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“Demos”, Human Rights Center “Memorial”

# **In a Climate of Fear**

*“Political Process” and Parliamentary Elections in Chechnya*

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## **From the editors**

*The present report has been co-authored by five Russian and international human rights organizations – the International Helsinki Federation for Human Rights (IHF), Norwegian Helsinki Committee, International Federation for Human Rights (FIDH), Center “Demos” and Human Rights Center “Memorial” - which permanently follow the situation in and around the Chechen Republic. The evidence included in this report has been collected through monitoring and field research in Chechnya.*

*This report reflects and illustrates the common position of all the organizations, which they have developed on the basis of long-term involvement or presence in the region: that the claims of the Russian government that in the last several years the situation in the Chechen Republic has stabilized and Chechnya has returned to peaceful life do not reflect the reality. There is no authentic conflict resolution. Moreover, the policy of the federal center of the Russian Federation only intensifies the “Chechen deadlock”. An important aspect of this policy is the imitation of a political process. The process leading up to and including the parliamentary elections, which will take place in Chechnya on November 27, 2005, represents a cynical and dangerous game, which has contributed to the establishment of a climate of fear.*

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In the first section of the report, “Essence of the “Political Process” in Chechnya”, we analyze the dynamic of the “political process in the Chechen Republic” from the Referendum of 2003 to the parliamentary elections of 2005 (chapter 1); the situation of media on the eve of the parliamentary elections (chapter 2); and the preparation for the parliamentary elections (chapter 3).

The second section, “In a Climate of Fear”, presents an analysis of the activities of the Chechen fighters (chapter 4), and the republican security agencies (chapters 5 and 6), such as hostage taking and vendetta or personal gain through abuse of official power, torture, fabrication of criminal cases on terrorism, and abductions.

## Introduction

There are two Chechnyas today. In the first one the life of a human being means nothing. The smallest suspicion, however groundless, is sufficient for someone to be seized by armed men in camouflage, to be subjected to torture and murdered. In this Chechnya, armed clashes and artillery bombing of settlements continue. In the villages and towns the rebel networks attack groups of Russian federal servicemen and policemen. Blood continues to be spilt and there is no hope for peace in the near future.

In the other Chechnya, life has normalized. Houses and bridges are being built, fields cultivated, and representatives of federal and security services with active support of the population successfully combat the remaining contracted foreign fighters and local bandits. It does not matter much that this Chechnya, constructed by the Kremlin propagandists, exists only in the virtual space. The important thing is: many people in and outside Russia believe (or pretend to believe) in this Chechnya.

At the core of this virtual construction is the plan for “political settlement” implemented by Kremlin. This process is based on rejecting the possibility of negotiations with the warring side, the creation of republican institutions and transferring certain types of authority and functions to them, including that of identifying and eliminating the Chechen fighters. These structures have been given a mandate for uncontrolled violence and, according to human rights groups, in 2004-2005 they were responsible for the majority of crimes committed against civilians in Chechnya.

Russia has been investing political capital in constructing the illusion of normalization and political settlement in Chechnya for over two years now. First, a referendum on the Constitution of the Chechen Republic decided the disputed status of the Chechnya in favour of Russia. This decision, however, was made under conditions of armed conflict, in a climate of fear, on the background of grave and mass human rights abuse by representatives of state security services, and the voter turn-out was manipulated through the use of the totally unreliable Chechnya results at the All-Russia Census of 2002.

Subsequently, elections for “the first President of the Chechen Republic” were carried out in similar conditions and with similar processes. Akhmat Kadyrov, the protégé of Kremlin, exchanged his status as the head of Administration for the presidency. The authorities insisted that this was the choice of the Chechen people. He remained in the office for 7 months only before his death in a bomb blast on May 9 2004. The Russian authorities would not allow his death to prevent the further progress of the “political process”, according to the existing design. The date for the new elections was named shortly and Alu Alkhanov became the new president in an “appointment by election fashion”.

The Parliamentary elections in Chechnya are defined by the federal center of the Russian Federation as the final step in a successful political process. From a conflict resolution point of view this final stage is in no way more promising than the previous ones. The problem is not only in the fact that the separatists are excluded from the elections and the political process in general, while clearly without their involvement no authentic peace process can be launched. The net result of the political process is the establishment of a criminal local elite in Chechnya, who, for lack of public legitimacy, depend on violence and fear to stay in power.

Moreover, for the citizens of Chechnya caught in the deadlock of a protracted war, security remains the major concern. If there was a single political force in Chechnya which would be able to speak about the real situation in the republic and make consistent conflict resolution efforts – fight impunity, defend human rights, advocate real amnesty (not conditioned on joining pro-federal security services) for all the rebels who want to put down arms and are not guilty of war crimes, work towards transformation of the armed conflict into a political one – then these elections would deserve close attention, in order to support such a movement in parliament. However, today, there is no such force.

By insisting that “Chechenization” – the handing over of responsibility, including for the conduct of “anti-terrorist” operations, i.e. the licence to kill, from the federal to the local authorities – is a real political process, Russia relinquishes its chances for initiating an authentic conflict resolution process. The price Russia pays is the spill-over of the conflict to the neighbouring regions, new terrorist acts in the Russian cities, blown up trains and suicide bombers on planes – and ever growing fear, which is another side of this state of terror. The international community in its turn makes a fatal mistake by closing its eyes on the continuing disappearance of people, torture, extra-judicial executions, and by pretending to agree that the situation in the Chechen republic is improving and elections at gunpoint are real elections. This policy discredits the very concept of genuine dialogue and the principles of international law. Also, for contemporary Europe the main priority is its own security. On the one hand, the deadlock and continuous violence are conducive to “jihadization” of the separatist movement. On the other, the typical ailments of contemporary Chechnya – militarization of the society and violence by security services, not constrained by any legal norms – are spreading to the entire country, turning the Russian Federation into an area of instability. And without a stable Russia, there can be no stable Europe.

## **Section I - Essence of the “Political Process” in Chechnya: From Referendum to Parliamentary Elections**

### **Chapter 1 - Analysis of the “Political Process” in the Chechen Republic (2003-2005.) The Referendum**

The cornerstone of the ‘political process’ conducted in the Chechen Republic by the federal centre was the referendum on the constitution and laws on the election of the president and parliament of the Chechen Republic in which, according to the official version, the Chechen people almost unanimously expressed a wish to stay within the Russian Federation. The testimony of many independent observers – human rights activists, journalists and experts, both Russian and foreign, indicates to a certain illegitimacy of the referendum.

At the end of 2002, the administration of the President of the Russian Federation prepared drafts of the constitution (the author is A.R. Paramonov) and of the laws on the election of the president (N.G. Nigorodova) and parliament (N.V. Bondareva) of the Chechen Republic. This job was not assigned even to the officials of the Chechen administration loyal to the Kremlin – they were given ready texts and were instructed to organize ‘nation-wide discussion’ in the controllable mass media.

Without undergoing any changes in the course of the ‘discussion’ the draft was submitted to a referendum. The majority of the Chechen and Russian human rights activists pointed to an impossibility of free expression of will under the conditions of combat operations, mopping up operations in populated points, kidnappings and assassinations of the republic’s residents. The fact that massed falsifications were inevitable during the referendum had been evident in advance. Thus, in 2002 the census of the population in the republic revealed one million 88 thousand 816 people. According to the data of the human rights and humanitarian organizations, this figure was overstated by a minimum of 1.5 times. Therefore, a mass of ‘dead souls’ was formed that ensured ‘success’ during all subsequent voting during the referendum and the elections.

For the referendum to look like ‘an initiative from below’, on the 11th of December 2002 on the eighth anniversary of the beginning of the first war a ‘congress of the Chechen people’ was convened. The delegates were not elected – the district administrations prepared the lists of ‘loyal citizens’ who are mainly the personnel of the state power bodies, and transferred them to the republican administration. The time, place and agenda of the ‘congress’ were kept secret until the last day.

Naturally, at the ‘congress’ the idea of referendum was supported unanimously. Ruslan Yamadaev<sup>1</sup> who spoke there said that public organizations, which did not support the referendum ‘must be banned’ and that the worthiest representatives of the Chechen people are Vladimir Putin and Akhmat Kadyrov.

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<sup>1</sup> At that time – deputy military commandant of the republic, now – a deputy to the State Duma of the RF from the party ‘United Russia.’

Among the republic's population signatures were collected in support of the referendum. In so doing, the 'administrative resource' was used widely. Thus, in the villages of Alpatovo and Kalinovskaya of the Naur district people were given applications to sign in support of the plebiscite without explanations during the issue of children's allowances and pensions. In the Urus-Martan district armed personnel of local law enforcement bodies made a round of homes and insistently suggested that people should put signatures. In the Kurchaloy district the managers of enterprises and organizations copied workers' passport data into the signature lists and, in a number of cases, signed for them, thus obtaining two thousand signatures more. Examples of such manipulations are plentiful and it is clear from them that the authorities were far from being sure of the population's support of the referendum. This is also evident in the propaganda in the controllable mass media aimed at intimidation of possible and real opponents.

"The question of holding a referendum on adoption of the Chechen Republic Constitution makes the hawks of war and remnants of the rabble for whom war became customary and very profitable business grit their teeth..."<sup>2</sup> – such names were given both to the Russian and Chechen human rights activists and to the representatives of the international community. For example: "His [Lord Frank Judd's] proposal on postponement of the referendum by three years is unclear. ...Generally, there are a lot of questions in connection with the PACE activities on the whole and of Lord Judd's in particular. But one thing is clear: the activities of this commission do not facilitate the settlement of the prolonged military conflict..."<sup>3</sup>

The Regulation on holding a referendum in the Chechen Republic was signed by the President of the Russian Federation on December 12, 2002. The documents says, in particular, that propaganda on TV channels and in printed publications is supposed to urge people to support the initiative of organizing the plebiscite or to refuse such support, to vote or to refuse voting, to support or to reject the questions suggested in it. However, all the headings of the republican newspapers had an assertive tone and/or contained elements of blackmail and intimidation: "There will be a referendum!"<sup>4</sup>, "Referendum is the future of our children"<sup>5</sup>; "If we do not adopt the constitution – the anti-terrorist operation will never end"<sup>6</sup>; etc. Though propaganda in the mass media, as per the Regulation dated December 12, 2004, was allowed only 30 days in advance of the referendum, that is, from February 21, 2003, these and other similar publications appeared much earlier.

One more requirement of the Regulation – a ban on propaganda by the 'federal organs of the state power, by the bodies of the executive power of the Chechen Republic, other state authorities, heads of district administrations, populated points of the Chechen Republic' (p.22) was also violated everywhere. For example, on the 8th of February the personnel of the district education department and the directors of the local educational institutions cancelled classes, let the children go home and got together in the secondary school 1 of the village of Kurchaloy to discuss the plan of the district's preparation for the referendum. Present at the meeting were: the chief of the legal department of the Chechen Republic administration, the adviser to the head of the administration on force structures, deputy minister of education of the republic and the military commandant of the district, the commander of the 33rd brigade of the internal security troops of the RF deployed here, the chiefs of temporary and permanent police departments, the head of the district administration as well as the personnel of the

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<sup>2</sup> "Our force is in unity", *Zama*, 4 February 2003, № 13-14.

<sup>3</sup> "Post-Judd aftertaste", *Molodyozhnaya smena*, № 6, 1 February 2003.

<sup>4</sup> *Molodyozhnaya smena*, 1 February 2003, № 6

<sup>5</sup> *Molodyozhnaya smena*, 8 February 2003, № 11-12

<sup>6</sup> *Daimokhk*, 29 January 2003, № 10-11



bureau of the special representative of the Russian Federation for humans rights and liberties in the Chechen Republic, representatives of the clergy and directors of the state farms. They were all charged to bring as many residents as possible to the polling stations. Such events were also held in other educational institutions, at the enterprises and establishments of the republic. Assemblies of residents were organized in the populated points where power representatives spoke about the necessity to hold a referendum and emphasized that all eligible people should participate in it.

In a number of cases 'voluntary' donations to the referendum fund were demanded from residents. Thus, on February 18, 2003 the directors of the educational institutions of the Staropromyslovsky district of Grozny were gathered in the building of the local administration. The deputy head of the district administration Sultan Shakhgireev said that due an obvious lack of funds allocated by the state the republic's schools ought to contribute 2,000 rubles each to the referendum fund. The directors were instructed to collect 50 rubles from each teacher. Some directors doubted that their subordinates would agree to it voluntarily and Shakhgireev ordered that the lists of those who refused be submitted to him. He also recommended that collection of the 'charity assistance' from the teachers should not be made public. In such a manner 'donations' for the referendum were extorted from the personnel of other organizations and institutions of the district.<sup>7</sup>

On the eve of the referendum declared for the 23 of March the Memorial human rights centre conducted an anonymous poll of the republic's residents. 656 who at that resided in all areas of Chechnya and in tent camps in the neighbouring Ingushetia were polled. Of them, 515 people, that is, about 80% stated that there are no conditions for the free expression of will by the residents: security to the people is not ensured, those who have an opinion different from that of the Russian authorities are in an extremely vulnerable position, there is no freedom of movement etc.

The majority of respondents expressed doubt that the necessary procedures are adhered to during the preparation for the referendum: 346 (or 54 %) of those polled did not hear about the collection of signatures in support of the referendum in their populated point, and 185 (29 %) knew for sure that it was never conducted there. The overwhelming majority – 516 people (75 %) believed that the referendum is conducted at the initiative of the federal authorities and 145 (21%) of the pro-federal Chechen authorities and only 17 people (2,5 %) believed that the idea of a referendum was put forward by representatives of the Chechen community expressing the interests of the population.

76 (or 12 %) intended to go to the polls, 439 (68 %) – did not, 131 people did not make up their mind (20 %).

The majority of those who intended to participate in the referendum stressed that their choice is motivated by the apprehension of repressions, both forceful and economic.

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<sup>7</sup> Money for the 'state needs' were continued to be collected from teachers, doctors, policemen and other 'budget' workers, including the personnel of the law enforcement agencies, after the referendum, too. Thus, in 2005 alone the residents of Chechnya had to donate their money to celebrate the birthday of Vice-Premier Ramzan Kadyrov, to install a monument in Grozny to his father Akhmat Kadyrov, to celebrate the Victory Day and many other things.

On the day of the referendum, the 23 of March 2003, numerous Russian and foreign human rights activists and journalists could not witness a high voting activity of the voters in any of the polling stations. In some populated points, including Grozny, streets were deserted: the majority of residents preferred not to leave their homes or had left the republic in advance.

To get a voting ballot at a polling station a passport was required, however, nobody checked up registration in the place of residence, therefore one could vote everywhere and as many times as one wished, which for the sake of an experiment was done many times over by a number of journalists, including foreign ones.

Despite the obviously low voting activity members of the election commissions voiced considerable figures of those who allegedly voted during the day. Thus, in Grozny at polling station № 361 in half an hour's time the personnel of the Memorial human rights centre saw less than 10 voters, but the members of the commission stated that as of 12.00 the majority of 831 citizens registered in the polling station have already voted.<sup>8</sup>

As was expected, the authorities declared the referendum valid. According to the official version, about 95% of all the electorate voted, of them, 95.37% spoke for the adoption of the new constitution and election laws. Neither PACE nor OSCE (let alone Russian and Chechen human rights NGO) recognized the referendum as legitimate, and it is hardly possible to treat the bill drafts submitted to the referendum as legitimate. The 'political process' initiated by the federal centre in Chechnya was a profanation from the very beginning.

### **The Presidential Election of 5 October 2003**

Within the framework of the 'second phase of the political process' the election of the republic's president was fixed on the 5th of October 2003. The majority of independent observers, as in the case with the referendum, doubted that the election may be free at least to some extent. It was obvious that separatists will not be allowed to participate in the election, but there was some hope for the competition among the candidates loyal to Moscow and for the accession to power of a person not directly connected with the crimes committed in the past years who would be ready to demand that these be terminated in the future. If the population of Chechnya were allowed to independently elect the president from the controllable candidates it could give an impetus to the real settlement of the situation. The voting lists initially included 16 candidates, most of them held administrative and other posts in power structures, as well as businessmen and politicians of the pro-Russian orientation.<sup>9</sup>

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<sup>8</sup> It should be admitted that in some areas of the republic voting took place with a lot of people attending. For example, the city of Urus-Martan and the adjoining populated points. During preparation for the referendum local people were intimidated by the rumors of imminent repressions against those who will ignore the event. Sometimes it even led to absurd situations: in the village of Goity, for instance, voters' attendance amounted to as much as 120% from the earlier declared list (real voting was superimposed on the overcautious injection of ballots).

<sup>9</sup> During preparation for voting there were clashes between armed supporters of various candidates, attacks on their election headquarters and even killings. Thus, on 7 September in the village of Samashki of the Achkhoy-Martan district Malik Saidullayev's election HQ was fired upon. Security guards returned fire and killed one of the attackers. He was carrying an ID card of another presidential candidate – Akhmat Kadyrov. The next day a grenade exploded in Saidullayev's another HQ located in Dagestanskaya street in Grozny. And on 9 September in the Staroprovyslovsky district of Grozny Bislan Hayauri was shot dead in front of the eyes of multiple witnesses. Having committed this crime, armed people who introduced themselves as Akhmat Kadyrov's security service personnel blocked and fired automatic weapons at the house his family was living in, then they burst inside and robbed the property kept there. The killed was the son of the coordinator of the HQ of the same Malik Saidullayev.

But the Centre soon revised its initial intentions and gave support to Akhmat Kadyrov who at that time was the head of the administration of the Chechen Republic.

Based on the results of the monitoring<sup>10</sup> conducted by the human rights NGO<sup>11</sup> the real attendance of voters at the polling stations was very low. As on the day of the referendum, the streets of cities and villages were deserted. In many populated points there were no people at the polling stations, except the representatives of the Russian forces and law-enforcement agencies. Due to a low attendance the election actually failed in the city of Grozny, in the Groznensky (Selsky), Achhoi-Martan, Sunzha, Kurchaloy, Vedeno, Shatoi districts, in some villages of the Urus-Martan and other districts of the republic. Refugees who were residing in Ingushetia did not go to the polls.<sup>12</sup>

Low activity of the voters was not necessarily related to their adherence to the idea of national independence. Because of the years of extrajudicial executions and kidnappings, non-stop cleansings and robberies even those who had earlier identified themselves with convinced separatists tended to aspire to a regular and calm life while their political aspirations became secondary in importance. But on the eve of the election all real opponents to Akhmat Kadyrov were moved out of the way by means of threats and/or administrative and judicial manipulations (businessmen M.Saidullayev<sup>13</sup> and H.Jabrailov,<sup>14</sup> politician A.Aslakhanov<sup>15</sup>), which confirmed the opinion of the residents of the republic: nothing depends on them, their participation in the voting is a mere formality and is only required to cover up massed falsifications. As a result, the election was ignored by many who initially took a decision to vote.

It is indicative that the Acting President of the Chechen Republic Anatoly Popov while speaking at the out-of-town session of the republican government in the village of Sernovodsk on the 4th of September 2003 attended by the ministers for internal affairs, education, agriculture and municipal housing economy, heads and activists of the Sunzha, Achkhoy-Martan and Urus-Martan districts gave a directive to nominate and support a 'single candidate.' The name was not mentioned, but it was obvious: Akhmat Kadyrov is meant.<sup>16</sup> Mass media waged direct and indirect propaganda mainly for Kadyrov, propaganda materials (posters, leaflets etc.) were also mainly "pro-Kadyrov's."

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<sup>10</sup> Not to be confused with watching the election. Human rights and public organizations, as well as interstate political structures involved in the conflicts, such as OSCE and PACE, did not officially watch the voting process.

<sup>11</sup> Memorial, Moscow Helsinki group, Society of Russian-Chechen Friendship etc.

<sup>12</sup> "Chechnya 2003: Political process through the looking glass", Moscow Helsinki Group, "Memorial" Human Rights Center, ed. by T. Lokshina and S. Lukashovsky, Moscow 2004.

<sup>13</sup> M.Saidullayev was excluded from registration by decision of the republic's Supreme Court later confirmed by the Supreme Court of the RF. (ibidem).

<sup>14</sup> H.Jabrailov hinted many times in the interviews that he took the decision on withdrawing his candidature independently, but after, which is equally important, the corresponding conversation with the head of the administration of the President of the RF (ibidem).

<sup>15</sup> Commenting on his decision to withdraw from the election A.Aslakhanov said: "The outcome of the election had been known as early as two months ago. I do not want to participate in the one-man show." It is noteworthy that Aslakhanov took this decision after he was offered the post of the adviser to the President of the Russian Federation on Northern Caucasus (ibidem).

<sup>16</sup> Human rights center Memorial ([www.memo.ru](http://www.memo.ru)); "Chechnya 2003: Political process through the looking glass", Moscow Helsinki Group, "Memorial" Human Rights Center, ed. by T. Lokshina and S. Lukashovsky, Moscow 2004.

On the election day, according to the human rights activists, violations became massive and were of systemic nature. In the Shali district access routes to the polling stations were closed off by concrete blocks and trunks of fallen trees and an order was given not to let strangers go thorough. One hour before the fixed time, in some villages even earlier all the polling stations were closed. This had little effect on people who wished to their 'civic duty': the district did not feature voting activity as the rest of the republic. The ballots from the polling stations accompanied by the chairmen of the election committees, their deputies and secretaries were first delivered on Russian armoured personnel carriers to the district administration building blocked on all sides by the forces of the republican Ministry for Internal Affairs), and only then, according to the official version, after counting them, protocols were made. Observers from candidates other than Kadyrov's were not allowed to attend this procedure.<sup>17</sup>

To provide the real attendance at least to a minimum extent the republic's authorities resorted to subterfuges earlier tested at the referendum. Pensions and allowance were issued on the election day in the same buildings that accommodated polling stations (for example, this was done in the Kurchaloy and some villages of the Achkhoy-Martan district). But here, too, mostly the administration personnel and their relatives came up to the ballot boxes.

Voters gathered only at the polling stations where journalists and official observers were expected in advance<sup>18</sup>. At polling station №147 in the village of Kurchaloy, for example, the personnel of the Memorial human rights centre were staying for an hour: from 10.45 to 11.45, and in this time 105 people came there. High activity at the poll was attributed to the fact that as of that moment there was a camera crew of the Grozny TV there and numerous relatives of the deputy head of the district administration A.Shuaipov acted to create a crowd scene. Two hours after the camera crew departed the human rights activists returned to this polling station, but there was no influx of people there any more. By their estimates, in the whole day only 300 people at the most came to vote out of 2094 voters. However, it was declared that 62% or 1300 people cast their votes. Representatives of the Moscow Helsinki group observed a similar picture at 14.00 in the village of Gehi. At that time two buses guarded by APCs brought to that village Russian and foreign journalists making an official press tour.<sup>19</sup>

Therefore, the federal centre ensured an 'impressive victory' to Akhmat Kadyrov who, according to the official data, collected about 82% of the votes with the attendance of 85%.

### **The Early Presidential Election of 29 March 2004**

Akhmat Kadyrov held his post for 7 months and died as a result of a terrorist attack on the 9th of May 2004 at the Dynamo stadium in Grozny. His very death indicated clearly that the course of force chosen by the Russian authorities and the imitation of the political process did not and cannot bring real stability to Chechnya. But no re-evaluation of the situation, change of course or search for the real settlement followed. The federal centre immediately declared the holding of the early election.

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<sup>17</sup> Ibidem.

<sup>18</sup> Note that as in the case with the referendum OSCE, PACE and the governments of democratic countries took a decision not to send observers to the election, because of a lack of elementary security.

<sup>19</sup> Human rights center Memorial ([www.memo.ru](http://www.memo.ru)); Chechnya 2003: 'Political process in the behind-the-mirror land' land' (Moscow: 2004, Moscow Helsinki group, ed. by T. Lokshina and S. Lukashovsky).

Russian authorities needed a man who, like Akhmat Kadyrov, would be able to act tough against his countrymen. Actually, the whole 'political process' in the Chechen republic was going on in parallel and as a legal cover of the 'Chechenization' of the armed conflict. The policy of 'Chechenization' consists, literally, in pitting locals against each other in a mortal fight and thus transferring the essentially separatist conflict into the civil war. Concurrently, propaganda purposes are achieved. Participation of the growing number of local people in the conflict on the side of the federal forces not only makes it possible to deny the separatist roots of the conflict, but also relieves the federal authorities of the responsibility for unwillingness to resolve it by way of negotiations.

Ramzan Kadyrov, the son of the deceased Akhmat Kadyrov, while the latter was still alive headed the republic's strongest paramilitary force – the President's Security Service. At that time it comprised more than three thousand men, mostly former militants who crossed over to the side of the pro-Moscow administration in exchange for amnesty as well as openly criminal elements. After his father's death he became the most powerful man in the republic. The organizers of the 'political process' also needed Ramzan Kadyrov because the son of the 'first president' was known for uncontrollable cruelty, and because his confrontation with the militants acquired a personal motivation due to his father's death. He seemed indispensable to the federal authorities. But it was difficult to nominate Ramzan Kadyrov to the presidential post for the reason of his being young. According to the constitution the head of the republic may not be younger than 30 years of age. To change the text of the main law to adapt it to a specific person a year after the adoption meant a loss of image that was too much for the Kremlin. But a compromise was found.

The minister for internal affairs Alu Alkhanov, a career police officer who proved his loyalty to the federal centre, was nominated to the presidential post. But the real power in the republic, that is, control over its armed forces remained with Ramzan Kadyrov who was appointed to the post of the first Vice-Premier in charge of forces and law enforcement agencies. In perspective Alkhanov could be a counterbalance to Kadyrov, an unpredictable man with excessive ambitions.

Of the 15 people who put up their candidacies at the early presidential election only seven made it to the final straight - the voting day of August 29, 2004.

The majority of those who withdrew from the race failed to collect signatures in favour of their nomination or to make a deposit, so their removal from the election did not cause any serious objections, even their own.

The situation around Malik Saidullayev, the only real rival to the Kremlin's favourite was entirely different. As in the previous election many reviewed him as an alternative to the power existing in the republic and his participation would impart the campaign a semblance of the democratic process. To exclude real competition the Election Commission of the Chechen Republic in the absence of other grounds declared Saidullayev's passport invalid because the place of birth in it was indicated as the 'Chechen Republic' and not the Chechen-Ingush ASSR.<sup>20</sup> The passport was issued in Moscow, Saidullayev toured about the whole of Russia with it, was doing business and was engaged in politics, but a year ago the same commission in the same composition did not pay any attention to the not quite correct indication of the place of birth. Alkhanov's passport that contained the same 'mistakes' was changed on the eve of the registration. The removal of the only viable candidate by such an

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<sup>20</sup> "Central Election Commission! Malik Saidullayev was removed from the presidential race for 'invalid passport', *Novaya Gazeta*, №53 (983), 26.07-28.07 2004.

absurd method finally turned the very 'early election of the president of the Chechen republic' into a farce.

Alkhanov's 'victory' was predetermined, and to make the outward appearance of pluralism his four doubles took part in the election: Magomed Aidamirov, Mukhumd-Khasan Asakov, Umar Abuyev and Vaha Visayev. The latter practically did not do any canvassing and in rare interviews they spoke in support of the course of the 'first president' and his team-mates including their main 'rival.'

However, two more candidates did not 'last' until the voting day: Abdulla Bygayev, the former premier of the pro-Russian Government of the republic absolutely loyal to the federal centre and the FSB (Federal Security Service) Colonel Movsar Khamidov who for two years was responsible for liaison with the forces and law-enforcement agencies in the rank of the vice-premier of the government of the Chechen Republic (Ramzan Kadyrov took over this position from him not long before the election). Movsar Khamidov was probably conducting his campaign too actively by the standards of the 'main' candidate. On the 17th of August while Khamidov was elaborating on his election programme on the republican television, a group of fighting men from the internal troops of the Ministry of Internal Affairs of the Russian Federation and the special task police force (OMON) of the Chechen Federation burst into his house, seized his brother and three security guards. His election headquarters was also searched without a warrant.<sup>21</sup>

On the voting day events unfolded following the already tested procedure. To imitate mass attendance the same group of budget personnel dependent on the authorities were moved by buses to some polling stations, at other polling stations allowances and pensions were being issued. To these polling stations journalists and observers from the CIS and Organization Islamic Conference were brought who were, like in the previous election, the only international entities that agreed to watch the progress of voting.

Like the last time and the time before that the majority of the republic's residents ignored the election.

At 11.00 representatives of the Chechen and Russian NGO paid a visit to polling station № 369 in the city of Grozny. At the entrance there was a crowd of law-enforcement personnel, a metal detector could be seen. According to the members of the election commission, about 8.55 a.m. the law-enforcement personnel tried to apprehend a suspicious young man at the entrance. He started to run towards the nearest intersection. Police shouted for him to stop otherwise they would fire for effect, then the young man who was carrying an explosive device exploded himself. The explosion took place within thirty meters from the polling station. In these conditions the head of the district election commission Abuesit Dukayev insisted that despite the complicated situation the voting activity was high. He did not have the exact figures but claimed that of 2694 registered in the polling station 32-35% voted and the final attendance was expected to be not less than 75-78%. During the 20 minutes that the NGO representatives stayed there only four elderly women came to vote.<sup>22</sup>

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<sup>21</sup> "'Cleansing' in the home of the presidential candidate. Even the rank of the FSB Colonel did not help", *Novaya gazeta*, №61 (991), 23.08-25.08.2004.

<sup>22</sup> See special materials "Presidential election in the Chechen Republic" published on 31 August 2004 on the site of the human rights center "Memorial" ([www.memo.ru](http://www.memo.ru)).

At polling station № 405 in the city of Grozny at 12:01 human rights activists saw three voters. However, members of the commission said that of 2907 voters “about 600-700 people” have already voted – they were unable to quote the exact figure and said that the evaluation was given by the number of the not yet used ballots. But observers from Movsar Khamidov counted that less than a hundred people came to the polling station after opening. Besides, according to their information, at polling station №406 a mass injection of ballots was detected.<sup>23</sup>

Human rights activists came to this polling station at 13.15 and did not observe a single voter there. But the chairperson of the station election commission said that ‘about 500 people’ from 2565 have voted. However, it turned out that from this registered list 496 –are the servicemen of the city central commandant’s office. To a request to confirm that ‘about 4 persons’ from civilians voted members of the commission answered that they were misunderstood: only 290 military voted, the rest 210 were local people. According to an observer from Khamidov’s headquarters Asludin Khachukhayev 33 people voted at the polling station by one o’clock. At 7.30 a.m. he, along with other observers, inspected the ballot box and then it was sealed. At 8.15 Khachukayev left the premises for several minutes, but when he came back and shook the box it turned out to contain quite a number of ballots. He demanded that the ballot box be opened but of no avail.<sup>24</sup>

Another group of NGO representatives at 13.00 came to polling station №376 in the city of Grozny. Grozny was deserted – even the majority of the election commission members were missing. During half an hour’s time only one voter came – a local journalist - who voted for the fourth time during the day.<sup>25</sup>

Approximately the same situation was observed at other polling stations all over the republic. But, these facts notwithstanding, Alu Alkhanov was declared president (73.67% of the votes with attendance somewhat exceeding 80%)<sup>26</sup>.

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Neither the referendum nor the two presidential campaigns ignored by the absolute majority of residents alleviated the level of bitterness in the republic. On the contrary, the ‘political process’ and the concurrent ‘Chechenization’ fixed the status of people which in exchange for financial support and backing agreed to perform punitive functions in Chechnya together with federal servicemen. From this time the conflict began to gradually acquire the features of the intra-Chechen confrontation.

This seems to be the only real result of the ‘political process’: paramilitary groupings manned from local people were playing a growing role in the republic (‘Kadyrov’s men,’ ‘Yamadaev’s men,’ ‘Baisarov’s men’ etc.), which would rather fall under the term ‘legal armed formations.’ In combat engagements with participants of armed formations of the Chechen Republic Ichkeria their effectiveness is doubtful.<sup>27</sup> However they proved reliable and

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<sup>23</sup> Ibidem.

<sup>24</sup> Ibidem.

<sup>25</sup> Ibidem.

<sup>26</sup> <http://lenta2.cust.ramtel.ru/vybory/2004/08/29/results/>

<sup>27</sup> Armed detachments manned by local people lost the majority of the large battles with the formations of Chechen separatists. In 2004 this took place during the hostilities near the village of Alleroi, in the village of Avtury, during the seizure of Grozny etc.

eager in 'cleansing' populated points and kidnappings, that is, in operations spearheaded, above all, against the civilian population.

The next phase of the 'political process' in Chechnya which the federal centre termed as the 'final,' the so called election to the republican parliament, is only another link in the same chain and cannot either facilitate real peaceful settlement or ease the condition of the civilian population.

### **The Round Table of the Council of Europe on the Political Situation in the Chechen Republic**

The approach of inter-governmental organizations to the 'political process' in Chechnya is sufficiently clearly reflected in PACE Resolution No.1042 prepared by the speaker on political processes in Chechnya Andreas Grosse and adopted in October 2004. It says, in particular, that though the Assembly 'regrets that the presidential election of 29 August 2004 does not meet basic requirements of the democratic elections,' the Council of Europe however should render all possible assistance to the 'President of Chechnya and his government in their efforts aimed at consolidating the human rights, democracy and legality,' that is, though the international community does not recognize the legitimacy of the past election they will work with these authorities.

Simultaneously, trying to somehow contribute to the beginning of the real political settlement in the republic PACE ruled within the framework of the said resolution: "24. The Assembly takes a decision to continue working on this issue and monitor whether the Chechen Republic has progress in the sphere of human rights, democracy and legality. For this purpose the Assembly charged its Committee on Political Affairs to create a Round Table to organize the exchange of opinions with political parties and parties from the Chechen Republic and Russian federal authorities." The Russian Federation agreed to create such a ground for a wide discussion, but only on condition of a stipulation being included into the resolution to the effect that the Assembly is aware that 'none of those who refuse to recognize the territorial integrity of the Russian Federation and declare that terrorism is a method to achieve certain ends may be included to participate in this exchange of opinions.'

Therefore, the 'Strasbourg criteria' were formulated – separatists may and must participate in the political process in Chechnya, but only those of them who reject terror and are prepared 'to uphold their convictions within the framework of the effective legislation of the Russian Federation,' that is, to wage political struggle, get elected into the bodies of power with their separatist programme etc. In principle such a formula is acceptable and for this reason it was supported by Europeans. But at the same time it is in no way correlated with today's realities. Every one who will say openly in Chechnya that he is a separatist will thus issue a death warrant to himself. Besides, and the members of the Assemblies were just not aware of the fact, a certain obstacle on this way is the effective Russian legislation: in accordance with the federal law "On countering extremist activities" among other things any activity aimed at infringing upon the territorial integrity of the Russian Federation is considered extremist and is forbidden.<sup>28</sup> It remains unclear how moderate separatists can uphold their convictions within the effective Russian legislation without being extremists.

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<sup>28</sup> Law "On countering extremist activities", № 114-ФЗ, dated 25 June 2002.



That is, it is quite obvious that voluntarily or not Europe actually agreed to organize a negotiation ground with participation of only one side to the conflict, and the work of PACE on initiating the real political process in Chechnya came to a deadlock even without being started. The first session of the 'round table' took place in Strasbourg on the 21 March 2005 without participation of any representatives of the separatists and happened to be the negotiations between the leading Chechen officials, two-three representatives of the federal centre and European parliamentarians which are not senseless in essence but have nothing to do with the political settlement.<sup>29</sup>

## **Chapter 2 - The Situation of Media on the Eve of Parliamentary Elections in Chechnya<sup>30</sup>**

Free and independent media are a necessary prerequisite to a real electoral process, also when elections are held in areas of conflict, such as Chechnya. However, today media are severely hampered, not only by the lack of infrastructure, but by a number of other factors stemming from the climate of fear that reigns in the Chechen Republic. The problems of the Chechen media reflect problems that to an increasing degree have marked Russian media in general, where most electronic and print media are firmly controlled by the authorities and independent journalists have been harassed, threatened and killed.<sup>31</sup> However, the self-censorship of journalists and the reluctance of ordinary people in Chechnya to speak to the media about sensitive issues -- that is, just about any issue -- are the fruits of a unique situation in which violence has merged with almost complete impunity. The main obstacle for the development of free and independent media in Chechnya is the climate of fear.

### **Lack of Infrastructure and Distribution Networks**

The material situation in Chechnya is very difficult: buildings and roads have been destroyed by war, and the reconstruction work has so far not had much of an impact. Apart from problems relating to inadequate offices, lack of computer equipment, and frequent power cuts, all the media representatives cited problems with infrastructure, such as difficulties in distributing newspapers and transmitting to the mountainous regions of Chechnya. The lack of an effective distribution network has impeded the development of a real media market in the republic. Even the most widely read of the non-state local papers have a circulation of less than 5000, and are dependent on sponsors or grants in order to survive. Other reasons for the decrease in circulation for the local print media are poverty and migration, both consequences of a decade of war.

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<sup>29</sup> For more details on the round table on political situation in the Chechen Republic refer to: T.Lokshina. The enigma of moderate separatism// Polit.Ru. 2005. 5 April (<http://www.polit.ru/analytics/2005/04/05/roundtable.html>).

<sup>30</sup> This section is based on interviews with representatives from four different local electronic and print media, some of which were state-owned and others private. The interviews were conditioned by anonymity.

<sup>31</sup> The general problems of controlled and biased media in Russian electoral processes, especially in relation to the main TV stations, is commented upon, inter alia, in the election observation reports of the monitoring body Organization for Security and Cooperation in Europe's Office for Democratic Institutions and Human Rights (OSCE ODIHR), see <http://www.osce.org/odihr-elections/14519.html>.

## **Ownership**

Representatives of three of the four media indicated that the owners or chief sponsors influenced the editorial line of the media in a way that made them less independent in their reporting. A journalist working for a state media agency put it like this: “the state policy dictates reporting, just as in the time of [former elected President Aslan] Maskhadov. Today we’re allowed to report critically on various social issues, but we must avoid the ‘ugly issues’.” By ‘ugly issues’ she meant human rights abuses, corruption and the problem of impunity. Representatives of the non-state media claimed that their main sponsors, who were independent businessmen, also followed this line. The private owners and main sponsors are independent only to the degree that they will not challenge the authorities directly.

## **Self-Censorship**

All media representatives reported a substantial degree of self-censorship as a consequence of internal pressure (from editors/owners) and from external pressure (fear of the authorities/security forces). One editor asked: “How can we call the bandits by name when they sit at the table of [President] Putin?” referring to Chechen vice-premier Ramzan Kadyrov, who many people in Chechnya associate with a number of crimes ranging from killings, disappearances, torture, hostage taking, illegal detention, extortion, and corruption. There was a widespread reluctance toward reporting about state officials’ association with crimes, due to the fear of repercussions against the involved media and the individual reporters. “The problem is that the courts and prosecutor’s offices will not respond to any complaints from us,” the newspaper editor added, pointing to what he perceived to be a complete lack of legal remedies to protect citizens and institutions from state persecution. As a consequence several of the journalists described ways of writing “between” the lines in order to report on issues that are seen as too dangerous or off-limits, such as corruption, but conceded that for the most part they did not touch the ‘ugly issues’.

An editor in the State TV described how her journalists had been threatened by armed men in camouflage uniforms, presumably state security servicemen, when they tried to cover illicit appropriation of building materials from houses damaged during the bombing of Grozny in 1999 and 2000. Allegedly, state bodies were involved in the misappropriation of public and private property, and the journalists were not allowed to film the relevant buildings or report on the issue. When asked whether the situation was the same today, i.e. whether the security services still threatened and intimidated journalists, she answered, in typical, convoluted Grozny fashion, that: “today there are no more bricks left to steal.”

## Persecution and Harassment

Persecution of individual journalists and various media has been a feature of the war in Chechnya from its beginning in the fall of 1999.<sup>32</sup> The conflict zone has in effect been closed to outside scrutiny, and a number of reports and research papers by human rights groups indicate that persecution of journalists has been a feature of the authorities' attempt to control information from the conflict. All media representatives told of or alluded to incidents of threats and harassment toward themselves or their colleagues. For the main part the perpetrators were believed to be persons with links to the authorities.

In spite of this troublesome tradition, the media representatives reported few recent cases of harassment. This can maybe be attributed to a slight improvement in the working conditions for journalists. It also suggests that the parliamentary elections are not as controversial or tightly controlled as previous events, and that there is an effort on behalf of the authorities to appear more open and transparent than what has been the case in previous elections. It can also be a consequence of the fact that most of the media representatives seemed to have a very clear idea of what is acceptable and what is not acceptable to report, and that self-censorship has become pervasive.

However, the independent weekly "Chechenskoe Obchestvo," which, apart from having a substantial local audience, is widely read and recognized by national and international media monitors, continues to face problems. Last year the paper received an official warning for its reporting on the assassination of former Chechen president Zelimkhan Yandarbieyev, and the editor was repeatedly called in for questioning by the police unit for fighting organized crime, RUBOP, and the FSB. In the summer of 2005 there was a fire in the local Chechen department of the Ministry of Justice, which damaged the registration papers of "Chechenskoe Obchestvo." In conversations with the editor, representatives of the Ministry of Justice have allegedly threatened to close the newspaper this fall, since there are now no longer any original registration documents.

## The Climate of Fear

All media representatives pointed out the difficulties involved in reporting in a situation where most people are afraid to talk of their problems. For a number of reasons, some of which are described in this report, people are reluctant to talk, not only to journalists, but to human rights monitors and outsiders in general. One example of the silence bred by fear was the market in Gudermes, where all the stalls, kiosks and small buildings were bulldozed in October 2005 in order to give room for a large shopping mall. Although the small traders had licenses for conducting business in the premises that were demolished, they declined to petition the authorities, launch formal complaints or speak openly about the incident when approached by human rights monitors and lawyers of the Memorial Human Rights Center. The traders apparently reasoned that since the city authorities were behind the plans to

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<sup>32</sup> See for instance the report *The Silencing of Human Rights Defenders in Chechnya and Ingushetia* published by the Norwegian Helsinki Committee and the International Helsinki Federation in September 2004. The report describes a number of cases where journalists have been killed, disappeared, abducted, illegally detained, beaten and in other ways harassed. Moreover it describes state harassment, and attempts at closing some of the independent media that operate in the area, such as *Chechenskoe Obchestvo* and the newspaper *Pravo-zashita*. The material presented in the report indicates that there may have been an increase in the level of persecution of human rights defenders, including journalists, in the years 2003 and 2004.

construct the shopping mall, it would be better not to challenge them openly, but to wait and hope for some kind of deal in the future.

The climate of fear weakens the media drastically, which in turn makes the public space in Chechnya so small, that the term becomes almost meaningless. When it is not possible to discuss issues like human rights abuse, corruption or impunity, there is in effect no public space, and without that there can be no real electoral process.

### **Chapter 3 - Preparations for the Parliamentary Election in Chechnya**

According to the official data, there are approximately 600 thousand voters in Chechnya today. Pursuant to the Constitution of the Chechen Republic adopted at the March 2003 referendum, the republican parliament will consist of two chambers. The lower chamber, the People's Assembly, is formed of 40 deputies: 20 deputies elected in single-seat electoral districts and 20 deputies elected by voting for party lists. The upper chamber, the Council of the Republic, is elected in administrative-territorial districts – there are 21 of them. But as of today, the formation of 3 districts is yet to be completed, therefore there will only be 18 mandates (15 districts and 3 cities – Grozny, Gudermes, and Argun) in the Council of the first convocation. The lower chamber adopts laws; the upper chamber approves them.

Approximately 6 persons are running for each place in the Parliament. The Election Commission of the Chechen Republic registered 367 candidates all together. Approximately 7% of them (27 persons) are women. The local newspaper “Solja” reports that among the candidates there are 117 state servants, 9 members of the State Council of Chechnya<sup>33</sup>, 27 entrepreneurs, 13 representatives of the Ministry of Internal Affairs, and 15 retirees. The analysis of the candidates' biographical data allows to conclude that the dominant majority of the candidates are part of the power circle or closely affiliated with it. Many of them directly represent different ministries, departments and state institutions. Others – and that is not reflected by the statistics – represent local authorities and enforcement groups or are related to power officials.

Formation of the parliament must be the final stage of the “political process” in the Chechen Republic implemented without participation of separatists and, consequently, has nothing to do with real political settlement. Although, on September 10 of this year the President of the Chechen Republic, Alu Alkhanov, said to the “Echo of Moscow” radio station that former field commanders and parliament members of Ichkeria would be able to participate in the elections: “There will be no impediments for anyone except for those who advocates terrorism, war, vakhabits and extremist ideas”<sup>34</sup>. But Alkhanov himself and all his entourage understand very well that the supporters of Chechnya's independence will not be able to participate in the parliamentary campaign with relevant programs because even peaceful public expression of separatist ideas poses a serious threat to life and physical inviolability. Not to mention the fact that according to the federal law separatism is a form of extremism<sup>35</sup>.

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<sup>33</sup> The existing preparliamentary body which will be dissolved once the parliament is formed.

<sup>34</sup> <http://www.411ru.com/news/todaynews/print.html?id=97585>

<sup>35</sup> Federal Law “On Counteracting Extremism”, Article 1.

A major difference between this stage of the “political process” and the previous ones is that among the players of the game there also “the democratic forces” – Russia’s two key democratic parties, “Yabloko” and the Union of Right Forces (SPS). Their participation in the elections creates an illusion among representatives of the liberal Russian community, as well as the international community, that after the parliamentary elections something may change for the better in Chechnya because there will be healthy democratic forces prepared to call the existing problems their real names and facilitate, as much as they can, the beginning of the real settlement of the conflict.

In order to understand if these hopes are justified, it is necessary to analyze, which parties are going to participate in the elections and what kinds of programs they offer. In the beginning of fall 2005, Chechnya’s residents and external experts mainly agreed that the following parties were active to different extent and known to the public: the “United Russia”, the “Motherland”, the “Eurasian Alliance”, KPRF,<sup>36</sup> “Yabloko” party, SPS, and the Republican Party of Russia. We will not however consider the latter because on October 20 they failed to register their election lists: the election committee identified 23.6% of invalid signatures therein<sup>37</sup>.

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The “**United Russia**,” the power party, is an unconditional leader on the electoral market. The Chechen chapter of the “party of power” consists of 29 thousand members and 419 departments (at least one department operates in each residential area; two or even three departments may be found operating in large residential areas). Such popularity is accounted for by the fact that the party remunerates its “especially active members”, provides them with health care benefits, etc. Young people present their “United Russia” membership cards at block posts to prove their reliability. Within the republic the party is steadily associated not only with the Kremlin, but also with the Yamadaev brothers one of whom, Ruslan, is a deputy of the RF State Duma representing the very “United Russia”, and the other, Sulim, leads the “Vostok” army battalion which became known to entire Russia following the events in the Borzdinovskaya settlement<sup>38</sup>.

Earlier, the “United Russia” was to a significant extent controlled by Akhmat Kadyrov and later by his son, Ramzan, who oversees the law-enforcement bloc in Chechnya. But right now the relationship between Ramzan Kadyrov and Sulim Yamadaev are rather tense. At any rate, Ramzan Kadyrov will not participate in the elections either representing the “United Russia”, or any other party. He explains it by saying he is too busy ensuring the security of the republic. Sulim Yamadaev is not running for the parliament either. But his brother Isa Yamadaev is on the list. And the party largely remains under the wing of the Yamadaev’s

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<sup>36</sup> Communist Party of the Russian Federation.

<sup>37</sup> The Chechen regional chapter of the Republican Party of Russia (CRC RPR) – is an umbrella structure formally uniting local activists of “Our Choice” led by Vladimir Ryzhkov, the party of pensioners, communists (none of the headquarters officers we surveyed knew what kinds exactly) and “maybe somebody else, we are not sure, but all these people have been advocating democratic ideals since 1991”. The CRC RPR draft program included protection of human rights, environment, economy, and the social bloc. The key emphasis was on the employment problem. According to Protocol No. 1 of the CRC RPR Foundation Conference, as of September 19 there were 167 registered party members, and it is very unlikely that the membership has significantly increased in such a short period of time.

<sup>38</sup> On June 4, 2005, local law-enforcement officers, apparently, rebel fighters of the Yamadaev’s battalion, “Vostok”, arrived at Borzdinovskaya in 15-20 vehicles and two armored troop carriers and executed a large-scale cleaning. They destroyed four houses, killed an old man, Magomedgazi Magomazov, and took 11 men in an unknown direction.

clan. The first three positions of the party list are occupied by high-rank state officials: the Minister of Agriculture of the Chechen Republic, Dakhuvakh Abdurakhmanov, Chairman of the Committee for Displaced Persons under the Government of the Chechen Republic, Tsurpa Magoyuv, and Chairman of the Committee for Control Over Expenditure of State Funds under the Government of the Chechen Republic, Adlan Barzukayev.

The TV-spot of “United Russia” proudly informs the audience: “United Russia upholds the cause of Akhmat-Kadzhi Kadyrov. We are coming into the Parliament. We care and we are responsible. United Russia is the power party of the people”.

Monitoring the situation around the parliamentary elections in the Chechen Republic we interviewed in Grozny the Head of the Political Issues Department of the “United Russia”. In particular, he noted: “In these elections we certainly expect a high voter turnout, 85-90%. According to our most modest estimates we will receive at least 80% of the votes”. When asked which parties were primary competitors of the “United Russia” he said: “The “United Russia” has no competitors in Chechnya!”<sup>39</sup>

The party officer was not aware of the substance of the party program but he found a previously published version of the program in the press and read it out loud point by point: protection of the environment, protection of motherhood and childhood, secondary education, higher education, the economic bloc, etc.

When asked if the scandal around the Borozdinovskaya events affected the party’s rating the Head of the Department said: “What happened in Borozdinovskaya is a blatant provocation to discredit the Yamadaevs family and the “United Russia”. But this provocation was not successful. And in general, such things happen often all across Chechnya. So, why the “United Russia”, all of a sudden?”

After such a comment, which de facto acknowledges that arbitrary actions of law-enforcement officers and murders and disappearances of people have become a system in Chechnya one cannot help but wonder why this problem is not reflected in party’s program. This, however, is a rhetorical question, especially in the light of activities of “Yamadaev’s” rebels in the republic.

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Thanks to a tough stance with respect to Chechnya, which has been repeatedly reiterated by the leader of the “**Yabloko**” party, G. Yavlinsky, the party has a rather considerable support rating in the republic. According to the leader of the regional chapter of the “Yabloko” party in Chechnya, Sharip Tsurayev, it amounts up to 25%. “Yabloko” has 15 departments in the republic and over 1,000 members of whom 60% have higher education. Many of them work in the sphere of education and transportation.

The TV-spot of the “Yabloko” represents a monologue of a candidate who is sitting in a room against the background of green wall-paper. He is reading his statement from a piece of paper. The party’s advertisement does not really catch one’s eye. The reason behind it is, probably the lack of campaigning resources.

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<sup>39</sup> It should be noted that several “active party members” inquired in a private conversation if they could be moved abroad because the rumor had it that “the Council of Europe will be in charge of monitoring elections in Chechen flatlands which means that the vote count in those areas will have to be honest and that is a sure way to lose our jobs...”

The “Yabloko” party members hope to receive at least 6-7% of the votes in the parliament. To ensure achievement of at least such a modest result they deem it necessary to explain to Moscow and Alu Alkhanov that a pluralist parliament will attribute more legitimacy both to the President and the Government of the Chechen Republic.

The first point of the “Yabloko” program in Chechnya is reinstatement of respect for the human being and human dignity. Further: improvement of the ecological situation, creation of jobs, education, and the social bloc.

When asked about what and how the parliament can do with respect to the reinstatement of human dignity Sh. Tsuroyev said that the “Yabloko” party would urge people to respect one another and observe the law. When asked if the “Yabloko” party finds arbitrariness and impunity of representatives of law-enforcement structures to be the priority problem Tsuroyev responded: “You have to understand, that if we keep mentioning crimes all the time it will lead to nothing. Today, in these conditions, one may not rub it into people’s faces: “You’re a thief, you’re a criminal!” As difficult as it may be but we all should forgive each other... Kindness has supremacy over truth”.

Among “Yabloko” candidates, no one openly speaks about human rights violations, impunity and arbitrariness of the enforcement structures. Though some hint at the necessity to “boost the efforts aimed at finding the disappeared and setting free those who are held by force or were wrongly convicted” (Djunit Amaev) or identify the task of “reinforcing the rule of law and protecting citizens from arbitrariness and violence (Sultan Sugaipov). However, they do not name the source of those problems.

Although G. Yavlinsky has repeatedly pointed from Moscow to such problems as impunity and arbitrariness of representatives of law-enforcement structures and publicly condemned the ongoing war in the republic, the program of the local party chapter does not mention any of those words. Several party members with whom we managed to speak unofficially said: “If we win the elections we will name all those who are to blame. At the moment we must ensure our safety”. But will the “Yabloko” party be able to retain support of its voters in Chechnya if it keeps being silent about what is of the utmost importance for each of its residents?

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For the people of Chechnya, who has been at war for over ten years, a nostalgia for the Soviet Union – not for the Soviet regime but for the time of peace and stability – is highly relevant. Brezhnev’s period – the so called stagnation – is now recalled by the Chechens as the happiest time. So, in their campaign, the Communist Party appeals to the nostalgic feelings of the electorate, to their memories about the life before the war, the undestroyed Grozny, the enormous construction projects and giant factories of the Soviet Chechen-Ingush Republic. The parliamentary program of the party is predictably focused on social issues, and their pre-election strategy is quite obvious from their TV-spot. Three rather aged candidates, who are on top of the KPRF list, proclaim from the screen: “I remember that time very well.” To the sounds of a well-known tune from a Soviet film, there appear the images of the old Grozny, factories, schools, supermarkets, fountains, museums, women in short skirts fashionable in the seventies, military parades, and happy faces of children. In every TV-spot there is always a tram or a trolley, which are perceived by the residents of Chechen as symbols of the pre-war city and evoke the so cherished details of the former peaceful routine, the very routine that the people have been deprived of for almost 11 years. “I will do everything to return that!” – promises the candidate. “The Communist Party of Russia is the party of the future!”

The images strung by the communists are dear to the hearts of the Chechens. Having found out that the drafters of this report made a video recording of the KPRF TV-spot, several families from Grozny asked to borrow the tape “just for a day” to copy the pre-war scenes. Maybe, some of the electors will indeed give their votes to the communists out of gratitude for that visual gift.

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Formally the **SPS** has about 1,000 members in Chechnya. But until recently no active work has been done, and party’s membership relies on employees of the Ministry of Industry and Energy as well as structures controlled thereby: Minister’s nephew, Mussa Dushukayev, has been in charge of the SPS in Chechnya for a long time. Although, a month ago, Zina Magomadova, head physician of the Pobedinskaya territorial hospital in the Groznensky (Selski) district, replaced him in the position of the chairman of the party’s regional chapter, the SPS headquarters continues to remain in the Ministry’s building.

The membership of the party primarily consists of heads of enterprises and businessmen. At the same time, the second position in the party’s list is occupied by the former Defense Minister of Ichkeria, Magomed Khambiyev who took sides with the pro-federal government after several dozens of his relatives, primarily women, had been taken hostages by Kadyrov’s fighters. Khambiyev, allegedly, ensures support of the party in the highlands. Like the “Yabloko” party, the Union of the Right-Wing Forces hopes to receive 6-7% of the votes.

Upon the whole, SPS activities in Chechnya are as questionable as Khambiyev’s loyalty to the federal center, and the party’s election campaign rhetoric is hardly more convincing than that of the “Yabloko” party. The priority of the SPS program in Chechnya is to counteract defamation of Chechens in mass media and discrimination against Chechens in Russia upon the whole.

The SPS also intends to advocate economic freedoms and normal conditions for transportation of goods and movement of people in the North Caucasus and in entire Russia. The party plans to fight the clan system and corruption and carry out broad cultural programs (such as, for example, restoration of the regional museum).

Finally, the SPS is concerned with the problem of ingovernability in the republic. The manager of the SPS program in Chechnya, political scientist Timur Muzayev, explained: “Only an appearance of the power vertical has been constructed. In reality, the federal structures have lost control over the special services. We will put together a special parliamentary commission, we will send out deputy inquiries and work with public organizations to ensure that criminal proceedings are instigated and completed... The problem now is not that the will of the federal center is ill, but that the executive vertical is dysfunctional. The creation of the parliament will at least give us a chance to begin the process of restoration of primary links between the society and the power...”

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The doctrine of the “**Eurasian Alliance**” party is based on the premise that “the peoples of Russia are connected with one another not by their race, but by the commonality of their historical destiny, joint efforts undertaken to create a common culture and state, populating an independent common place of development – Russia-Eurasia”. At the all-Russian level the party itself is absolutely marginal. It would seem that it would be completely impossible to



imagine the Eurasian unity idea succeed in Chechnya, considering the latter's Vainakh conviction of being unique and great efforts undertaken to preserve its traditions. But today, the "Eurasian Alliance" is certainly well known and referred to as a serious participant of the forthcoming elections.

Eurasianism as such is almost not known in the republic but citizens' attention is drawn to the fact that the party is running for the parliament under the Kunta-Khadji's slogan: "Reconcile those who have quarreled; war – is savagery. God will never come to the place of bloodshed. Distance yourselves from everything that reminds you of war. Your strength is your mind, patience, and justice. The enemy will not withstand this strength and sooner or later will admit his defeat".

Kunta-Khadji Kishiyev, a contemporary of Imam Shamil, is a person well respected all across Chechnya. At the end of the devastating Caucasian war he came up with a doctrine whose nonviolent meaning is clear from the above quotation. Kunta-Khadji belonged to the Qadiri Rifai Sufi Order and today nine out of ten Chechens adhere to his vird (doctrine). Thus, to construct one's election campaign under the banners of Kunta-Khadji – is a brilliant PR windfall. Because the voters will not go into the details of the Eurasian philosophy, nor will they find out that Eurasianism and the Kunta-Khadji doctrine have absolutely nothing in common.

The leader of the Chechen eurasianists, "a highly-ranked employee of the government of the Chechen Republic" (this is how he is presented on the party's website), Said Yusupov, describes the program of his party as follows: "To begin with, the government system must be constructed in such a way so that a steady and stable growth of the standard of living of the population could be seen... But most importantly, we need clear and transparent laws and strict compliance therewith! We will fight against lawlessness and impunity. There must not be any untouchables before the law. We need current, permanent control over compliance with laws. From beneath, the power must be supported by the civil society and its institutes. And activities of such organizations must be legally ensured, they must be provided with conditions to exercise civil control! The problem of disappeared persons is one of the most painful in the republic. We will also insist on amendments to the law on victimized peoples to simplify the procedure and ensure fair compensations. We plan to focus on education. The republic needs compulsory secondary and free higher education. A people should fight using not weapons but its intellect and talents... We will pay special attention to the employment problems... And above all, most important is the security! Today, the security is the cornerstone of everything else".

These are the words that are most important for modern Chechnya. And these are the words that many people had waited to hear but never heard from the democratic parties. So, why are the eurasianists not afraid of saying the words that the democrats cannot let themselves say? The answer is simple. The list of candidates from the "Eurasian Alliance", apart from several employees of the Government, the State Council of the Chechen Republic, and head of the republican FSKN department (the Federal Service for Control over Narcotics Turnover), includes the management of the Gudermes sports school for children and youth patronized by Ramzan Kadyrov, and director of the company "Leader" – a network of gas stations owned by Ramzan Kadyrov – that covers the entire territory of Chechnya.

Together with the party lists Yusupov showed us an advance copy of one of the candidate's advertising flier. Its polygraphic quality and design (thick glossy paper, color print, distinctive edging) do not differ from materials issued by the Akhmat-Khadji Kadyrov Fund. The previously mentioned quotation from Kunta-Khadji is at the top of the flier. The name and words of Kunta-Khadji combined with the "polygraphics of the power" should produce a powerful impression upon the voter. 20 thousand such fliers are printed for each candidate and a separate series of fliers is published about the party itself. Thanks to powerful patrons the election campaign of the "Eurasian Alliance" enjoys solid financial support in Chechnya.

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The "**Motherland**" is a national-populist party represented in the Russian parliament that opposes the RF Government and is loyal to President Putin. This party will participate in the elections to the Moscow City Duma scheduled for December 4, 2005 under an anti-migrant slogan, "Moscow is for Muscovites!", and its leading activists are characterized by tough discriminative and xenophobic rhetoric, first and foremost, with respect to natives of Caucasus. Thus, the very fact of this party's operation in the Chechen Republic can be explained exclusively by citizens' ignorance. For example, on December 7, 2003, as we monitored federal parliamentary elections in the Chechen Republic, we heard from several voters who had cast their ballots for the "Motherland" that in their opinion a party with such a name would do everything for national revival of the Chechen Republic. Unfortunately, on the eve of the Chechen parliamentary elections we were unable to meet the management of this party's republican chapter. "Motherland" posters are pasted all over Grozny and each of them carries a seemingly reliable downtown address – Prospekt Pobedy, 4. But at this address there is only an empty destroyed building.

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From the interviews we conducted we infer that all the parties participating in the elections agree upon one point: the seats in the parliament have generally been assigned (in consideration of the interests of the Kremlin, Ramzan Kadyrov, the Yamadaev brothers, members of the Government of the Chechen Republic, etc.). But the "independent" forces may claim a few of them on the condition of loyalty to the ruling clan. And upon closer examination, these forces produce a sad impression.

The problem is not that the separatists do not participate and may not participate in these elections, in principle, even though a real political process is impossible without the participation of the separatists. It is obvious for anyone who has spent at least some time in Chechnya that today, at the dead-end of a multi-year conflict, the key problems of the people are their security, the arbitrariness of law-enforcement structures, and the ongoing bloodshed. But the democrats do not feel safe enough to speak about anything other than human dignity, ecology, and the social bloc. And the most important words about ensuring security and fighting impunity are the prerogative of those who are sure about their safety but not interested in real settlement of the situation in the republic.

If today, among the participants of the parliamentary elections in Chechnya, there were at least one political force prepared to speak the truth about the situation in the republic and undertake real steps towards its gradual resolution by fighting impunity, advocating human rights, demanding a true amnesty (not accounted for by a transfer to local law-enforcement structures) for all those who are willing to lay down their arms and those who are not guilty of war crimes, as well as by securing legalization of political separatism to reclassify the military

conflict into a political one – then one should pay close attention to these elections and make everything in their power to give this force a chance to end up in the Parliament. But right now there is no such force.

In these conditions, the very process of election campaigning does not deserve much attention. It just becomes meaningless. Residents of Chechnya may derive some nostalgic pleasure from the communists' TV-spot. They may note the creative efforts of SPS and support their pre-election action to clean the Internet from "anti-Chechen" sites or their memorial rally to honor the victims of genocide and deportation in 1947. The electors may buy some of the Eurasian Alliance's promises. But they all clearly understand not only that the majority of the places in the Parliament will belong with the United Russia but also that the other parties are simply appendages of the power clan. In this respect, it is indicative that one of the key SPS' figures in the election race, candidate Adnan Temishev, president of the Foundation of Support to Physical Education and Sports of the Chechen Republic, appears in the party's TV-spot speaking in a gymnasium with a huge portrait of Akhmat Kadyrov on the background.

In such a situation it is far from surprising that the election campaign has been quite uneventful. And this time, in contrast to the previous elections, the relevant legal norms were generally complied with. In addition to the United Russia's carried visual agitation materials, one could see numerous posters of the KPRF and SPS, and to a lesser extent, those of the Eurasian Alliance, Yabloko and others. The republican TV-channel "Vainakh" featured the parties' TV-spots and provided air time to the candidates who monotonously voiced (mostly read) their very similar programs. Those who, based on the experiences of the previous election in Chechnya, expected to see an imposing dominance of the United Russia's campaigning products, were wrong. In the course of the campaign, we have not identified any grave violations of the established procedure. No obvious pressure on candidates and parties has been observed. Unlike to the previous campaigns, no cases of violence against and harassment of election headquarters' representatives have been uncovered. The participants of the election race did not even seem to resort to dirty technologies and "black PR."

Representatives of all parties publicly voiced their certainty that the election would be democratic and expressed their intention to send observers to each polling station. However, when informally asked: "Does it mean that there will be no falsifications?" – the leader of the regional branch of one of the democratic parties replied: "No, it just means that the falsifications will take place with consent of all the observers."

The general lack of procedural violations on the level of the campaign is linked to the lack of need for manipulations with agitation or using brutal force against opponents – the period of preparation for the election has been free of any struggle or intrigue. And the leading representatives of "Yabloko" and SPS on the federal level admit in unofficial environment that they don't perceive these elections as elections, and that the number of places they will get in the Chechen Parliament has already been agreed with the Kremlin. Indeed, it is important for both Moscow and Grozny to create an illusion of a pluralistic parliament for their respective public relation purposes.

It should be noted that the election campaigning was done pro forma only. The real campaigning in process of preparation of the elections was focused on demonstrating the power of the Kadyrov clan and was aimed at emphasizing to the residents of Chechnya that the true power in the republic belongs with Ramzan Kadyrov and the parliament will simply become another body supporting the chosen course.

In this respect, it is illustrative that from the beginning of the fall and especially during the period of the election campaign new, big and impressive portraits of Akhmat Kadyrov, Ramzan Kadyrov and both of them together have been put up in all the localities of Chechnya. And it is in this context of “parallel” agitation that we have seen one case of illegal use of force by the enforcement officers.

On November 7, in the village of Chiri-Yurt, Adam Sugaev (19 year of age) and his two friends Beslan and Magomed were kidnapped by the “kadyrovtsy”. The kidnappers knocked on the door of the Sugaev’s uder pretext of an identification check. Having looked at the identification documents of all the family members, they whispered to Adam: “We came for you. Don’t make any noise. Go out into the yard.” Outside, they forced Adam into their car, put a bag over his head and drove away. By that time, Magomed and Beslan were already in the car. The young men were brought to the “kadyrovtsy’s” base in the village of Geldagan. It appeared that they were suspected in having burnt a portrait of Kadyrov-father and Kadyrov-son on the background of a sport-center “Ramzan” in Gudermes. (The portrait had been put up in Chiri-Yurt one week before the described events.) For six hours, Adam, Magomed and Beslan were held in a basement. In order to force them to confess, they were cruelly beaten, threatened with firearms, and told that their hands would be cut off with a nice. Adam, who is ill with tuberculosis and took the beatings very badly, nevertheless refused to “plead guilty.” Then, “kadyrovtsy” attempted to make the young men cooperate and asked them to help identify the persons who had put the portrait on fire. Sugaipov refused to cooperate and was finally released.

It is also indicative that the key event – indeed, the only major event – of the pre-election period had to do not with the election but with the birth of Ramzan Kadyrov’s first son and heir, who was named Akhmat after his later grandfather. The long awaited birth of the boy (Ramzan Kadyrov had had four daughters before this male child was finally born) was celebrated on a republican level. On the initiative of local administrations’ heads (particularly in those localities where “kadyrovtsy” have their bases), district departments of culture and offices for social and economic development, festive dances were organized in the streets. In the city of Gudermes and in the village of Tsenteroi, special “fireworks” were arranged, which really scared the local residents. A woman from Gudermes described this as follows: “Gudermes survived two wars but it had never seen anything like that. In the morning, all over the city, they started firing from all kinds of different weapons, grenade launchers and such. We decided the rebels entered the city and the third war was beginning. Women went wild from fear and run to collect their children from school. Kids were crying. Many went hysterical. One boy from School #3 had an awful panic attack. Then, my neighbor somehow managed to find out what was happening. So, he went outside and started yelling to the women: “Stop this! Don’t be afraid! Kadyrov’s just had a son, that’s what they’re shooting!” He was able to reach out to many of the women this way. And in Kurchaloy people spent all night in their basements. For them it all began in the night already.”

Unfortunately, for the majority of Chechnya’s people, “piece” still belongs to the category of dreams, not to the category of “reality.” The dominant feeling is fear. And this in itself evidences that free and fair elections aren’t possible in the republic today.

## **Section II - In a Climate of Fear**

### **Chapter 4 - Activity of Chechen Rebel Fighters and Armed Clashes Between the Antagonists**

The claims of the federal authorities that the situation in Chechnya has stabilized and the problem of armed conflict is non-existent is refuted by the continuing activity of Chechen fighters. If to classify the events in the Chechen Republic and the adjacent areas as an armed conflict of non-international character (and this exactly is the position of the authors of this report as well as of many experts inside and outside Russia), the attacks of fighters on armed personnel of Russian security services and military men should be analyzed within the framework of military actions, not of terrorism. Based on this, it is illegitimate to call terrorists all of the armed separatists fighting in the North Caucasus.

At the same time, as a result of protracted armed conflict, which has lasted for over six years and has transformed into a guerilla war, the fighters not infrequently attack civilians and unarmed representatives of state authorities, this way gravely breaching the humanitarian law. At least part of the armed groups, which oppose the federal authorities have adopted terrorist methods. In 2005 federal forces assassinated the President of the Chechen Republic Ichkeria, Aslan Maskhadov, a politician and a military commandant who had consistently condemned terrorist methods of struggle. After his death a notorious terrorist, Shamil Basaev, and a propagandist of terror, Movladi Udugov, were included in the political separatist government of the Chechen Republic Ichkeria. Earlier Basaev took responsibility for bomb blasts at the Kashirskoje highway and at Rizhskaja metro station in Moscow, for blowing up two passenger planes, and for hostage taking in Beslan. And although throughout the first 10 months of 2005 there have been no major terrorist acts in or outside Chechnya, clearly the new leadership of the Chechen Republic Ichkeria made a stake on shifting their military effort from inside to outside Chechnya.

Although Chechen fighters have been active in Chechnya throughout 2005, their presence on the lowland Chechnya has reduced compared to 2004. The main tactics on the plain has been planting explosives and attacks in small groups of military servicemen, personnel of security forces, militia. Most large-scale armed clashes take place in the mountainous areas but it is very difficult to get reliable information about them. Information about casualties and fatalities of security services in the mountains does not get into press and leaks to human rights groups through individual sources among Chechen security servicemen. In the mountains "Memorial" has registered cases of threats and murder of civilians, who cooperate with the security agencies of the Chechen Republic and with the federal troops.

In 2005, "Memorial" continued to document persecution and murder of heads of local governments:

On October 24 at about 10 p.m. unidentified armed men killed Khatsuev Umar, aged 47, the head of administration of the village Chechen-Aul, Groznensky (Selsky) district of Chechnya. The assassins attacked Khatsuev in the yard of his house, when he was without his guards. At about 10 p.m. when Khatsuev went outside to the toilet, unidentified men who were waiting for him in ambush opened fire from automatic weapons and grenade-launchers and shot him dead. On October 24, Khatsuev had his birthday. Thus, at night of August 14-15 a large group of fighters arrived at the village of Roshni-chu, Urus-Martanovsky district of Chechnya. They seized control over the entrance to the village and attacked the house of the head of local

administration Shamkhan Beksultanov. Armed Beksultanov and his sons resisted the fighters. As a result of the armed clash the house of Beksultanov was burnt, however, his family members were not hurt. According to the residents of Roshni-chu, one of Beksultanov's sons was captured by the Chechen fighters, but subsequently he was released. Through the son, Chechen fighters delivered their ultimatum to the father – leave the job, or we will kill you. In the meantime, a group of security servicemen together with the military commandant of Urus-Martan region headed towards the place of attack. At the entrance to the village the YAZ car with the military commandant was subjected to fire from a grenade launcher. As a result, the military commandant of Urus-Martan district, colonel Alexander Kayak and four military servicemen were killed, one other was injured. Before dawn on August 15 the fighters left Roshni-chu. This tactic of “double attack”, which stipulates attack or assassination with a subsequent ambush and a second attack once militiamen arrive to the site, has been actively resorted to by Chechen fighters in the last several months.

In the mountainous areas Chechen fighters committed assaults and extra-judicial executions of civilians whom they suspected of cooperation with security services.

At night of June 3/ 4 in the village of Khimoj, Sharoysky district of Chechnya, Gilani Elmurzaev, born in 1950, was killed together with two of his sons, Zhabrail, aged 18, and Izrail aged 16.

*Around midnight, unidentified armed men in camouflage entered the house of the Elmurzaev family. They took Gilani, Israil and Zhabrail with them. The wife of Elmurzaev was told that she should look for her husband and sons in the district militia station. At dawn Zaidat Elmurzaeva went to search for her men following the traces which led in the direction of the village Tsesi. Soon she bumped on the dead body of her older son, a few meters down she saw the corpse of her younger son, on the other side of the road was her killed husband.*

The head of the district militia station, Khumid Susaev explained that the fighters eliminated the family because Israil cooperated with the security services of the Russian Federation. According to Susaev, some years ago, Israil, a lively and ‘hardly manageable’ boy, had contacts with the Chechen fighters. Khumid warned the father that he should look after his son. The father sent Izrail to their relatives in the village Kalinovksya, Naursky district, where he made friends with the local guys who worked for security services. Izrail started to provide information to them about the fighters from Sharoy area. Security servicemen were taking the boy to the mountains by helicopter and he showed them the possible places of armed caches. The Chechen fighters soon learnt about the betrayal of Izrail. For sometime they did not carry out revenge, because one of Izrail's relatives was a member of their group. Sometime ago this relative left the groups and the fighters committed this punitive act against the Esmurzaev family.

Mostly, the activity of Chechen fighters has been targeted against the personnel of federal and republican security services, however.

*On June 9 at about 11 a.m. at the outskirts of the village Kurchaloy in the forestry area unidentified armed men attacked a group of officers of Kurchaloy temporary department of the Ministry of Interior, which arrived from Tver. As a result, 7 officers were killed, one militiaman was injured. The time of service in Chechnya for these militiamen was expiring on June 15. They decided to make memory video records and went to the forest by an YAZ car. Unidentified men subjected the car with militiamen to intense fire and left.*

“Memorial” has registered civilian fatalities as a result of attacks on militia by the Chechen fighters.

On September 29 in Staropromyslovsky district of Grozny armed men in camouflage (According to eye-witnesses- Chechen fighters) subjected to fire a car with 4 passengers (including a child). As a result, Umar Amirkhanov and Magomed Bekhoev, militiamen of 15<sup>th</sup> milk-farm militia station, and the child Satabaeva Seda, 3.5 years old were killed. Seda’s aunt, Satabaeva Zarema, aged 22 was badly injured.

Armed clashes between Chechen fighters and personnel of local security services took place on a regular basis on 2005: usually when security officers received information on the whereabouts of a guerilla group and set out for their detainment or elimination. In the absolute majority of cases documented by “Memorial” in the last 6 months, the fighters did not surrender alive and preferred to blow themselves up to shoot themselves dead when threatened with detainment by security forces.

On July 7 at around 4 p.m. in the city of Grozny, Lenina Avenue, at the federal checkpoint near the former cinema house “Yunost” the representatives of law enforcement tried to stop an YAZ-2107 car without state registration plates. The car driver refused to stop; the car was pursued by militiamen and an armed clash took place. One of the passengers blew himself up with a grenade and died on the spot. Another was seriously injured and captured. The third passenger managed to escape. The representatives of security agencies think that he could have been Vakhiev Sidyk, suspected of participation in armed formations of the Chechen Republic Ichkeria. Several militiamen were injured. The identity of the killed passengers was not possible to establish.

Impossibility to establish the identity of killed fighters is linked to the practice of not giving out dead bodies of fighters to relatives. According to the federal law “On Combat of Terror” the bodies of ‘terrorists, whose death resulted from abortion of their terrorist activity’ are not given out to relatives and the places of their burial are not disclosed.

“Memorial” registered cases of public abuse of dead bodies of the antagonists by the personnel of security services of the Chechen Republic.

On September 14 at around 1 p.m. in the town of Argun during an special operation carried out at the crossroad of villages Lugovaya and Linejnaya in the house of MVD servicemen Daud Galaev an armed clash took place.

Early in the morning security services surrounded this house and the adjacent areas and at noon started the operation. The fight lasted for two hours, as a result five Chechen fighters and three representatives of security services were killed, seven security officers injured. According to the data available, four fighters blew themselves up by grenades, and one shot himself dead with a pistol. “Memorial” managed to establish the identity of the four fighters: two brothers Muskiev, residents of the town of Argun Engelsa street,2; Khizir Arsamikov, born 1985, resident of Argun, Gudermesskaja street, 3 and Ismail Bakiev, resident of the village Tsotsin-Yurt, Kurchaloy district of Chechnya.

The corpses of the fighters were first brought to the militia station of the town Argun, and from there the corpse of Muskiev brothers were taken by “kadyrovtsy”, located in the village of Tsotsin-Yurt. The corpses were brought to the southern outskirts of the village, where the body of Muskiev was beheaded. On September 14 his head was placed by “kadyrovtsy” on a tube at a

pedestrian bridge across the river Khulkhulay exposed to the public view. For two days the corpses were kept there as a warning to the villagers, on the third day someone buried them. According to the villagers, the corpse was beheaded by a member of the “kadyrovtsy” named Khizir. Khizir decided that Shamil Muskiev was responsible for the death of his mother and brother.

Armed clashes with fighters have not always been successful for the security services. “Memorial” is in the possession of evidence which allows to suppose that for the purposes of reporting on their operations “kadyrovtsy” shot dead the captives of their illegal prisons and presented them as Chechen rebel fighters killed in fights.

On May 13 two corpses were brought by a group of “kadyrovtsy” to the Gudermes ROVD. The “kadyrovtsy” claimed these were Chechen fighters.

However, on May 12 in the village of Ishkoi-Yurt, Gudermes region, arrived 20 rebel fighters to buy food. Local security agencies got the information, a group of some 500 local law enforcement personnel encircled the forest around Ishkoi-Yurt and searched through it. Eventually the two sides met, there was a short fight, as a result two “kadyrovtsy” were killed and four injured. The fighters escaped. On May 13, the “kadyrovtsy” brought to the forest two prisoners, dressed them in camouflage and shot them dead. Then they reported the elimination of two fighters. By pure coincidence in this specific case one of the victims was identified.

When the corpses were brought to the militia station by “kadyrovtsy”, Khoz-Bagaudin Khadisov, the editor of a local newspaper “Gums” happened to be there. He recognized his nephew, Ilman Khadisov, as one of the killed. In March 2005, Khadisov had brought his nephew to the “kadyrovtsy”-base for an interrogation. And they had promised him that his nephew would be released immediately after the talk.

The corpse of Khadisov was returned to the relatives. The second body was buried without identification at a Christian cemetery.

A few days earlier, on May 9 at about 4 p.m. at the outskirts of the village of Alleroi, Kurchaloy district of Chechnya took place an armed clash between a small group of fighters and the “kadyrovtsy”. According to the official version, a unit of “kadyrovtsy” bumped on a group of fighters consisting of 8 persons in a locality south of the river Alleroi. All the 8 fighters were killed by the “kadyrovtsy”. Two “kadyrovtsy” were injured. At midnight 8 corpses were brought to the militia station of Kurchaloy district. According to the militiamen, the group was multi-national and consisted of Chechens, a Daghestani, a Nogay and a Russian, resident of Grozny. All the 8 men were buried at the cemetery of the village of Kurchaloy without identification.

HRC “Memorial” managed to acquire information about two of the 8 men killed near the village of Kurchaloy.

At night of May 5-6, the “kadyrovtsy” kidnapped Akuev Khamid, born 1981, a resident of the town of Gudermes, Mosdokstaka street. His mother Akueva Roza tried to establish the whereabouts of her son and turned to the security service of Ahmad Kadyrov. She was told that her son was in Gudermes at the base of battalion “Vega”, located on the western outskirts of Gudermes near hospital #1 at the highway Rostov-Baku.



Last time she received the same information two weeks after the kidnapping. She did not believe the “kadyrovtsy” and went to the militia station of Kurchaloy, where she was shown the pictures of the 8 fighters killed in the fight. In one of them she recognized her son Khamid.

Among the documents was also the passport on the name of Kulishov, a resident of Grozny, Kosiora street. This man was kidnapped by unidentified servicemen on March 14 2005. The mother of Kulishov was shown the pictures of the men killed in Alleroi, but she refused to recognize her son. However, with high degree of probability one can suppose that her son was among the eight.

The tendencies and examples described above suggest that the armed confrontation in Chechnya continues and involves new generations. Grave human rights abuse committed by security services create permanent support base for the Chechen fighters, the relatives of the victims are waiting for the opportunity or already executing revenge for the crimes committed against them. In turn, murder of Chechen militiamen and personnel of pro-federal armed formations and heads of administrations push young men into the Chechen security services. Only part of the fighters, who resist the Russian security services in Chechnya are religiously driven and can be classified as the so-called ‘vakhabits’, the majority of them are the ‘irreconcilable’ – fighting for independence of Chechnya from Russia - and the “revengists”, who joined the armed groups of Chechen Republic Ichkeria with the aim to perform vendetta for their killed relatives. The protracted character of conflict results in increased brutality and sophistication of methods used by the antagonists.

Some of the fighters, who would be prepared to return to peaceful life are reluctant to do so, being well aware of the fact that after they put down arms they will have two options ahead of them: either to serve the “kadyrovtsy”, ‘kakievtsy’, ‘yamadaevtsy’ or to ‘disappear’ without trace by “unidentified men in camouflage”.

## **Chapter 5 - New Developments in the Activities of Security Services in the Chechen Republic in the Light of “Chechenization” of Conflict**

The formation of security services consisting of ethnic Chechens, which function on the territory of the Chechen Republic had been completed by 2004. “Chechenization” brought about significant changes in the republic, not only in the methods of carrying out of the so-called ‘anti-terrorist operation’, but also in social relations within the Chechen society.

The federal troops remain in Chechnya: without these forces the local security agencies would be unable to resist their antagonists from armed units of Ichkeria. At the same time, the republican ministry of internal affairs was created, which subordinates the police, numbering 14,000 men. The majority of the policemen, however, are involved in ensuring public order and protection of various state institutions. Usually they do not directly participate in carrying out raids against Chechen fighters. This task is implemented by special units consisting of ethnic Chechens which either formally belong to the Ministries of Interior and Defense, or function outside the official ministries.

In the process of Chechenization of conflict the federal center, on the one hand, transferred the functions of government to the republican institutions and, on the other, delegated these local security units the right to illegal violence. In 2004-2005 the local security agencies, functioning under control, with administrative, political and financial support of the federal center were responsible for the absolute majority of grave human rights abuses committed in Chechnya on behalf of the state.

The largest profederal military group, manned by ethnic Chechens is the so-called **Security Service of Akhmat Kadyrov (“SB”), commonly known as “kadyrovtsy”**. Initially created as personal security guard of the Moscow-appointed head of Chechen administration, Security Service expanded into a powerful pro-Russian military formation subordinated to the Kadyrov family. In 2000-2004 these groups were partly legalized as units of patrol service and extra departmental guard of the Ministry of Internal Affairs, which created legal basis for their financing and supplying with arms. However, originally most units of the Security Service had no legal status, and it formally remained a private security enterprise. In the lifetime of Akhmat Kadyrov, the Security Service to a great extent remained his private army, which acted with support and general control of the federal services (namely, the Regional Operations Headquarters for Carrying out the Counter-terrorist Operation, but retained significant autonomy). The service was headed by the son of Akhmat Kadyrov, Ramzan, who at the time served in the rank of lieutenant of police.

Security Service initially consisted of relatives and co-villages of Kadyrov and was formed on the basis of personal loyalty. Inside the structure were “legalized” former fighters-participants of armed groups of Ichkeria, who were now used for elimination of their former colleagues from “irreconcilable” supporters of independence. “Legalization” became possible due to the amnesties, announced by the federal center. Rebels, injured or disappointed in war, tried to use this amnesty as a way to return to peaceful life, instead they were offered to join the Security Service, not infrequently under torture or threats to eliminate their relatives. Those who joined the Security Service received weapons, cars and stable income. Those who refused - “disappeared” or became victims of extra-judicial executions.

A fighter who changed sides and joined Kadyrov’s army was used in the so-called “anti-terrorist operations”, after which “tied with the blood”, he was unable to return to the hills. Subsequently, he could be ordered to his native village or region where he had been previously fighting on the side of the separatists, so that he would help reveal and eliminate his yesterday’s comrades remaining there.

Along with relatives and co-villages of Kadyrov and former rebels the Security Service en masse recruited young men who had previously not been involved in the conflict. In the conditions of mass unemployment for many of them the Security Service was the only source of stable income. However, being employed by pro-federal security services these young men became automatically involved in armed confrontation.

After Akhmat Kadyrov was killed in a bomb blast on May 9 2004 at the stadium of “Dinamo” in Grozny, the Security Service was formally liquidated, but Ramzan Kadyrov was appointed vice-prime minister for the security bloc. This way the de facto legalization of Kadyrov group and its tight integration into the system of the security services of the Russian Federation was launched. This integration was carried out in such a manner that the entire republican Ministry of Internal Affairs was gradually transferred under the control of Kadyrov people. We would like to emphasize that in Chechnya there is n such structure as the Security Service (SB). However, this name for Kadyrov group continues to be widely used by the citizens of

the republic and the representatives of security services themselves. Moreover, identification documents of “Security Service” are still being used. Security Service as well as another nickname of the group, “kadyrovtsy”, appears in most eye-witness accounts of the victims (just as the bodies commissioned from other regions of the Russian Federation to serve in Chechnya on the basis of rotation are still referred to as “military men”).

Vladimir Putin highly evaluated the efforts of Ramzan Kadyrov for ‘normalization’ of the situation in the republic and decorated him with the order of “Hero of Russia”, this way confirming his full approval of the chosen policy. The Security Service received additional financial support and the possibility to expand. In 2004 the **Second regiment of patrol service PPS-2 named after Akhmat Kadyrov** was created consisting of 1,125 men as well as the so-called **Oil Regiment** numbering 1,5- 2000 men, as part of the extra-departmental guard of the republican Ministry of Internal Affairs. Formally the functions of both structures inside of Security Service have nothing to do with ‘combat on terror’ – PPS-2 is aimed to ensure security in the streets of the towns and in public places, while the Oil Regiment - to guard the oil refineries, oil pipes, oil products and other industrial sites. In reality, however, both structures are involved in the so-called “anti-terrorist operations”. We are in the possession of documented evidence that at the bases of these units people suspected of links with Chechen fighters were subjected to torture. The same premises housed the relatives of the rebels, who were kept there as hostages. The main bases of PPS-2 and of Oil Regiment are located in Grozny; the major units of the Security Service are located in the villages of Khosi-Yurt (Tsotsin-Yurt), the native village of Kadyrov family, and in the city of Gudermes.

The process of reorganization of the existing structure Ramzan Kadyrov continued to actively recruit new people. In 2004-2005 smaller “kadyrovtsy”-units were set up in the town of Argun, villages of Geldagan, Avtury, Kurchaloy, Majrtup, Makhety, Shali, Achkhoy-Martan, Gikalovskiy, Novye Atagi.

In virtually all of the newly created units there are people with the criminal past. Thus, in the village of Prigorodnoye and Gikalovskiy, Groznenskiy (Selskiy) district in 2004 was created an armed formation under command of Sultan Patsaev, who in between wars was prosecuted for stealing oil products and kidnapping people for ransom.

In 2005 the process of merging these dispersed groups into one units was launched a new umbrella formation created, called the Anti-Terrorist Center (ATC). The ATC united not only “kadyrovtsy” units but also some previously quasi-autonomous military units, such as, for example, the **group of Movladi Baysarov**, numbering over 100 men.

The overall number of the “kadyrovtsy” personnel is unknown. The estimates range from 4,000 to 12,000 (the latter must be exaggerated). It is not possible to establish the precise figure, primarily since part of the service is legalized as specialized structures of the Ministry of Internal Affairs and parts still function in the capacity of paramilitary units.

Apart from the “kadyrovtsy”, there are other military groups active in Chechnya, such as the Battalions of the Main Investigating Department “Vostok” and “Zapad”, subordinated to the Ministry of Defense of the Russian Federation.

**The battalion “Vostok” -- the “yamadaevtsy”** -- is part of the 42d motor-riflemen division of the Ministry of Defense of the Russian Federation. The core of the group is consists by several dozen of former rebels of the National Guard of the Ichkeria who changed sides in the beginning of the second war. The commander of the battalion is Sulim Yamadaev.

During the first war brothers Yamadaev, Sulim, Khalid (Ruslan) and Dzabrail fought against the federal forces; after the war the family de facto controlled in city of Gudermes. In the beginning of the second Chechen War thanks to them the town surrendered to the federal forces virtually without resistance. Ruslan and Sulim Yamadaev were appointed deputies of the military commandant of the Chechen Republic, while Dzabrail Yamadaev headed the company of special significance consisting of ethnic Chechens. Subsequently, Ruslan Yamadaev made a career in politics – he headed the local division of the pro-government party “United Russia” and was “elected” the MP of the Russian State Duma. In March 2003 Dzabrail Yamadaev was killed in a bomb blast by the fighters in the village of Dyshne-Vedeno; after his death the special company was headed by Sulim Yamadaev (in the fall of 2004 the company was upgraded to a battalion). Sulim, Dzabrail and Ruslan Yamadaev were in different times awarded the “Heroes of Russia”<sup>40</sup>

The battalion “Vostok” is manned by up to 470 men. They reside on the bases in the city of Gudermes, some of them together with families. The Battalion “Vostok” is responsible for combating Chechen resistance in the mountainous Vedensky and Nozaj-Yurtovsky districts and on the parts of the plain adjacent to them. HRC “Memorial” has documented evidence that the personnel of this battalion participated in the abductions of people.

**The battalion “Zapad” – the “kakievtsy”** -- is part of the 42 motor-riflemen division of the Ministry of Defense of the Russian Federation. It is headed by a “Hero of Russia” Said-Magomed Kakiev, resident of the village Ken’-Yurt, Groznensky (Selsky) district of Chechnya. The core of this battalion are the Chechens who initially opposed the idea of independence from Russia and supported the federal forces even before the first war. Said-Magomed Kakiev as an officer of intelligence of the 58th army took a training course on diversion operations in a special training center and received serious injuries as a result of unsuccessful attempt on the life of Dzokhar Dudaev. During the first and the second Chechen wars the military units under command of Kakiev acted in the rear of the Chechen fighters targeting artillery and aerial attacks on their groups. The battalion, which allegedly numbers up to 400 people was formed in early 2005 and is based in the Staropromyslovsky district of Grozny on the territory of the “Trasmash” factory. Their areas of control are the mountainous Shatoi and Itum-Kalinsky districts and the adjacent western part of lowland Chechnya.

The officers of Chechen police, especially those with experience in the law enforcement agencies are not infrequently unhappy about the abuses committed by the personnel of the above mentioned groups. They are disappointed that the state authorities are often represented by people with criminal record. Representatives of Chechen police and the personnel of the “kadyrovtsy” have had recurrent armed clashes between them. At the same time in the recent two years the representatives of the pro-federal military groups were appointed heads of police units and the special task police force (OMON) in the Ministry of Internal Affairs of the Chechen Republic.

The objective of the pro-federal security services in Chechnya is to reveal, eliminate and sometimes integrate the remaining rebels, who are subsequently used in the anti-terrorist operations. Their mandate does not include investigation or collecting of evidence about suspect’s illegal activity or participation in the armed formations of the Ichkeria, i.e. the usual police functions. Their main goal is to obtain information and catch a fighter, and then to release the beaten informant and transfer the alleged rebel to investigating structures, such as FSB and Ministry of Internal Affairs for formulating or fabricating of a criminal case. Usually

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<sup>40</sup> It should be noted also that in 2003 another Yamadaev brother Badrudin was arrested and charged with murder of the deputy chief sanitary doctor of Moscow.

while the detained remain under the custody of “kadyrovtsy” or ATC, “yamadaevtsy”, “kakiyevtsy” they “disappear” for the outside world, are kept in illegal prisons or in legal prisons but unregistered as detained in accordance with the Criminal Procedural Code of the Russian Federation. Arrest and detainment are only documented in the moment when the detainee is being transferred to FSB or Ministry of Internal Affairs. “Memorial” described a significant number of extra-judicial executions committed by the personnel of each of the above mentioned security agencies of the Chechen republic.

Information is being extracted from the illegally detained persons under torture or under threats to eliminate of his family members. In 2004 the republican security agencies widely practiced illegal detainments of people in the period from 24 hours to 10 days, with the aim to receive information about local rebels and their supporters. In the detainment people are subjected to interrogation under torture; after the necessary information has been extracted from them they are dumped at the outskirts of the villages or released to the relatives for ransom (money or cars). Before release, the detainees are warned that unless they want a second detainment with subsequent ‘disappearance’ they should keep quiet about what happened to them. Some of the detainees under torture and threats are forced to cooperate with the security services, this way a network of informants is being created which continues to report on the participants of Chechen rebel groups.

In the overwhelming majority of cases the victims do not turn to the security agencies after release and refuse to provide details to human rights organizations. In cases of kidnappings by republican security agencies the policemen advise relatives to wait before they submit applications to law enforcement lest they should harm the kidnapped person and create additional work for police. The police supported their recommendation by reference to the practice of releasing the illegally detained people 10 days after the kidnappings. This way “voluntary” abstinence from justice happens already at the initial stage of application to the police.

In November 2005 “Memorial” carried out a survey of its monitors who work in Chechnya. It turned out that in the period from May to November 2005 when “Memorial” monitors visited victims of rights abuse, the victims refused to provide details of crimes committed against them in 30% of cases in the rural areas and almost in 80% of cases, if monitoring was carried out in the city of Grozny. Not infrequently the human rights workers were only able to register the event – kidnapping or illegal detainment of a person and his subsequent release after some time, without additional details. In 2005 “The Chronicle of Violence” issued by “Memorial” frequently contained entries like the one below.

On September 6 at 6:00 a.m. in the village of Sadovoye, Groznensky district of Chechnya unidentified people kidnapped a local resident Khunarikov Isa, aged 25. A week later Khunarikov was released. He does not know who kidnapped him and where he had been kept.

Compared to the federal troops, Chechen security structures have one “advantage”: they know well the local residents, including the Chechen fighters, their relatives and neighbors. In 2004 illegal methods, such as threats to kill relatives and hostage taking of family members were actively practiced by the Chechen security services in order to force the separatists to surrender. In 2005 “Memorial” received applications from hostages who spent several weeks to ten months in captivity. Some of them named the armed formation which kept them and provided detailed accounts of the premises and conditions of their detainment, however, they refused to turn to law enforcement.

The leadership of the Chechen security agencies skillfully uses blood feud and enmity between families for their purposes. Thus, Lyoma Salmanov, the resident of the village Mairtup, was appointed the head of Kadyrov Security Service in the Kurchaloy district. Sometime previously, in his yard Lyoma Salmanov shot dead two young men, who, according to the preliminary agreement, arrived to pick up the money he owed to them. After the murder the brother of one of the victims joined rebels while Salmanov was offered to found a “kadyrovtsy” unit in his village. Soon, Salmanov was appointed the head of the district department of the Security Service and he continues to prosecute the family of his former creditor.

Protracted character of the conflict results in increased brutality of the antagonists. In 2005 “Memorial” frequently registered cases when illegal methods were applied to children and teenagers.

Thus, on September 7 in the village of Novye Atagi, Shalinsky district of Chechnya, personnel of unidentified security agency kidnapped two teenagers – Lom-Ali Khunkerkhanov, aged 14 and his neighbor Ruslan Yasaev, aged 15. During detainment the representatives of the security services behaved very rudely, they grasped Khunkerkhanov and Yasaev, put plastic bags on their heads and drove them away without notifying their mothers where the children were taken to. Three hours later the teenagers were brought back home; the men who brought them explained that they had been taken by mistake. It turned out that the reason for the detainment of teenagers was the fact that in the end of August the two boys got a job – they collected stones at the riverside (these stones were used for construction purposes), this way trying to make money and buy school uniforms, which their underprivileged mothers were unable to buy for them. The security agencies suspected the boys in hiding weapon at the riverside. During interrogation the teenagers were cruelly beaten, after their release the boys had vivid marks of beatings on their bodies.

Similarly, on September 17, from his house in Zavodskoj district of Grozny “kadyrovtsy” kidnapped Ruslan Yandarkaev, aged 16. Yandarkaev was delivered to the Oktyabrsky district, the building of former vocational school in the 12th area, where there were several other seriously beaten young men. They told Ruslan that they had been kept there for several days and had not been given food throughout the detainment. Ruslan was accused of hiding weapon at the wasteground before the war in spite of the fact that before the war he was only 10 years old. Yandarkaev and two other teenagers were brought to the wasteground and ordered to surrender the weapon. The father of Ruslan Yandarkaev found out what his son was accused of and volunteered to dig the area of the alleged arms cache. “Kadyrovtsy” showed him the place and he dug a big hole but there was no weapon in there. The “kadyrovtsy” demanded a grenade launcher and one ‘shajtan’ (Chechen fighter) in return for his son. Magomed managed to negotiate that he would pay 50,000 rubles for his son. He borrowed money and paid the ransom. Now he is selling his property in order to return debt and leave Chechnya. The fate of the rest of the teenagers, who were kept by “kadyrovtsy” together with Ruslan remains unknown.

In the last 6 months from June to November 2005, the “Memorial” has been receiving applications from the relatives of the kidnapped women. In one of the cases a woman was subjected to torture in order to extract information about her relative; in another she was raped by representatives of the security agency.

On September 14, at noon in the district center of Shali representatives of unidentified security service kidnapped Toita Dzabrailova, born 1967, a resident of the village Elistanzhi, Vedensky district of Chechnya. Dzhabrailova was abducted from a shuttle bus coming from Veden to Grozny. Armed servicemen dragged her out of the minibus, forced her into a “Niva” car and drove to an unknown direction. On October 12/13 she was released. According to her co-villagers, the woman was subjected to beatings and torture. This way the kidnappers tried to extract information about her relative, allegedly a participant of armed formation of the Ichkeria.

On May 4, at about 11 p.m. in Staropromyslovsky district of Grozny unidentified armed people in camouflage kidnapped a woman named Seda (the name is changed), born 1966. They forcefully drove her from home and beat up Seda’s mother who tried to resist the kidnapping of her daughter. On May 5 at about 2 p.m. Seda returned home. According to the relatives she was kept in a private house which was rented by the head of Staropromyslovsky police Delimkhanov (brother-in-law of Ramzan Kadyrov). Delimkhanov himself was not at home, but unidentified men (8-9 people, according to relatives of the victim these were Delimkhanov’s guards) put her in the cellar and subjected her to sexual violence. The woman was strongly beaten. The same night the personnel of local police received information about the kidnapping; this information was documented in the Ministry of Internal Affairs crimes register. The relatives of the victim do not know whether a criminal case has been instigated into the rape, however, the relatives demanded redress from the head of Staropromyslovsky police. Delimkhanov said that the rapist had already been severely punished but he did not say who this man was. Such an answer did not satisfy the relatives of the victim and they turned to the local Elders for help. Apart from physical and moral abuse the family was looted: the kidnappers stole gold valuables, 11.500 rubles and 100 USD. They also stole golden things, which the woman had on her. After Elders’ interference the stolen items were returned.

Apart from detainment of individual citizens the representatives of security agencies carried out punitive raids against entire families and even villages. Thus, in July in response to murder of forest-guard Tagir Akhmatov, the father of a battalion “Vostok” fighter and to attempt on the life of the head of the village administration Sulan Bashirov, “yamadaevtsy” carried out a punitive raid on the village of Borozdinovskaya, Shelkovskoi district of Chechnya. As a result of this operation several houses were burnt, 1 elderly man killed, 11 people kidnapped and still missing, many others cruelly beaten. On June 4 at about 3 p.m. in the village of Borozdinovskaya, the personnel of battalion “Vostok” carried out a special operation for “detainment of 11 local residents, suspected of cooperation with fighters.”<sup>41</sup> Two armed personnel carriers, at least ten YAZ-469 cars and several YAZ-2109 cars of gray color arrived at the village and dispersed around the entire settlement. Armed people in police uniform and in camouflage broke into the houses and forced men get into the cars. They were brought to the local school, ordered to lie down on the ground faces down and cover heads with their shirts. All men, including elderly and handicapped were severely beaten with gun butts and kicked with boots. The detainees were kept on the ground until 10 p.m., regardless of the pouring rain. From what the security services shouted out the villagers understood that they were accused of killing the forest guard and of the attempt on the life of the head of local administration. In the meantime, 11 names were read out names from the list and these men were taken somewhere, since then these men disappeared without trace.<sup>42</sup> At around 10 p.m.

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<sup>41</sup> See: RIA “News” 6.06.2005

<sup>42</sup> Abukar Aliev, born 1982, Magomed Isaev, born 1986, Ahmed Kurbanaliev, born 1978, Magomed Kurbanaliev, born 1978, Ahmed Magomedov, born 1977, Martukh Umarov, born 1987, Eduard Lachkov, born 1986, Ahmed Magomadov, born 1979, Kamil Magomedov, born 1955, Shakhban Magomedov, born 1965, Said Magomedov, born 1960.

the rest of the men were forced into the sport gym of the local school; the servicemen again beat them up with sticks and walked on their backs. Then the servicemen ordered their detainees to remain where they were and left. In the meantime, two houses were burnt at the Lenina street (# 9,11) which belonged to Nazirbek Magomadov and his son Said. They also burnt the house of Kamil and Zarakhan Magomedov and Magomaz Magomadov, aged 77. The wife and the daughter of Magomadov were taken outside, but the old man was burnt inside the house. After the servicemen left, it turned out that they stole several cars. The military servicemen who carried out the operation did not present themselves, however, the local residents recognized in one of the officers a fighter of battalion "Vostok", who was also the leader of local "United Russia." One of the "Vostok" fighters received a conditional sentence "for exceeding his authority". As of 15 November 2005, no one else was punished for the crimes committed in Borozdinovskaya. The fate of the disappeared persons remains unknown.

To make another dramatic example, on September 14-18 2005 "kadyrovtsy" carried out an operation in the village of Novie Atagi. As a result of the operation 7 men were kidnapped, the head of village administration illegally detained and beaten, the local bread factory burnt down. The residents of Noviy Atagi organized a protest and blocked the main thoroughfare running through the village. Several days later four of the kidnapped were released after severe torture; three others were transferred to the local police station. The fact of the enforced disappearance was registered by the police, however, the policemen felt free to receive the detainees from the kidnappers and legalized their arrest, since by that time the detainees had already 'confided' in committing the crimes. The policemen did not apply any measures to the kidnappers, since they turned out to be the "kadyrovtsy". Moreover, a large group of "kadyrovtsy" visited the local mosque during the Friday prayer. Their commander announced in front of a large crowd that he personally and his men would continue to use the same methods and threatened everyone, who dared to protest. The journalists of state television "Vainakh" made a reportage about the kidnapping of people in Novye Atagi, but the film was expropriated and destroyed by the head of local police Said-Selim Degiev. According to Degiev, he acted on the order of the minister of internal affairs Alkhanov.

In 2005 the official militarized groups actively penetrated the economic sphere: petroleum and oil industry, contractors at state reconstruction commissions, municipal markets are under control of pro-federal armed groups. Economic activity in Chechnya has been vitalizing after the return of IDPs – infrastructure, small shops and services have been developing especially in the areas adjacent to major roads. Everything that brings revenue gets under control of the members of pro-federal armed groups.

The activity of local government is likewise controlled by the security services. In 2005 Ramzan Kadyrov changed several heads of local administrations for people loyal to him, moreover, the personnel of the Security Service implemented 'correction measures' – the heads of local administrations in the villages of Duba-Yurt and Novye Atagi were detained and severely beaten by the "kadyrovtsy". Similar measures were taken in respect of the head of administration of Pervomajskaja village by "baysarovtsy". The head of local administration in Zakan-Yurt was kidnapped and detained at the base of Ramzan Kadyrov in Tsentaroy, where he died of beatings and torture in late November 2004.

Such actions of the security agencies produce major social change in the republic. Deep penetration of the state repressive machine into the social texture through criminalized military groups and their agent networks; lack of state mechanisms for protection and justice, abuse of customary law by people with guns drag the society into a pathological state of fear.



As a result there are no mechanisms of protection left in Chechnya – on the one hand, the regulating function of traditional customary law is rapidly deteriorating, on the other – the mechanisms for the protection of rights and freedoms within the legal framework of the Russian Federation are fully dysfunctional.

Personal survival strategies vary from joining Chechen fighters to joining pro-federal security agencies and state authorities in order to ensure one's own protection and the protection of one's family. The appearance of a man in military uniform at the door of one's house is perceived by a citizen as direct threat to his life or the lives of his family members. In the last months Memorial "Chronicle" repeatedly registered tragic stories of the following kind:

At night of September 8 in the village of Martan-Chu, Urus-Martanovsky district of Chechnya armed men in masks broke into the house of Sugaipov family. They did not present themselves and without explaining anything dragged Rizvan Sugaipov outside the house. His father, Shakhid Sugaipov, born 1933, tried to resist the illegal detainment. The kidnappers closed the father in one of the rooms and drove Rizvan in the unknown direction. The relatives of Rizvan Sugaipov informed their co-villages, who worked in security agencies and the local police about the kidnapping. This played a role and half an hour later Rizvan was dropped out of the kidnapper's car between the villages of Tangi-chu and Martan-chu. Upon return home, Rizvan found his father in a bad condition. His son's detainment shocked him to such an extent that he was fully paralyzed and could not speak. On September 15, Shakhid died, without coming to senses.

According to "Memorial" monitors, only 30% of the victims who agreed to provide details of crimes committed against them by security services subsequently turned to law enforcement agencies and courts. The rest abstained from efforts to gain redress, being afraid of reprisals by representatives of security agencies whose actions have been highly evaluated by the President of the Russian Federation and whose leaders awarded the highest decorations of the Russian state. After the parliamentary elections of 27 November 2005 these structures have full chances to strengthen their positions, now also in the legislative power.

## **Chapter 6 – Illegal Methods Used in the "Counter-Terrorist Operation" by Chechen Enforcement Groups**

### **Hostage-taking and Abuse of Official Powers to Execute Personal Vendettas or Attain Personal Gain**

In 2004 and 2005, the counter-insurgency measures became increasingly directed against the families of suspected Ichkerian fighters, in an apparent attempt to exploit some of the characteristic features of Chechen society, where family links are often very strong and the failure to safeguard and protect one's family perceived to be a shame. This way of conducting the anti-terrorist operation, albeit effective, is in flagrant violation of Russian and international law, which is based on the principle that criminal responsibility is individual and can only be established by a court of law. Gradually the anti-terrorist operation in Chechnya has taken on the character of a vendetta, or of a gangster war between rival clans, and it remains very far from a serious attempt by the state to put an end to crime within the limits of the law. As a result of the current "Chechenization" of the conflict, anyone related to a Ichkerian fighter, which in practice means a majority of the population, is at risk of being the victim of serious human rights abuse.

## Hostage-taking

A practice that has become increasingly widespread in 2004 and 2005 is the taking of hostages in order to force the surrender of suspected Ichkerian fighters, in order to neutralize them, or in order to punish their families.<sup>43</sup> This method has proven itself very effective, and seems to be connected to some of the major successes of the anti-terrorist campaign over the last two years, such as the surrender of Ichkerian commander Magomed Khambiev in the spring of 2004 (which reportedly followed the illegal detention of more than 40 of his relatives), and the killing of former elected President Aslan Maskhadov in March 2005.

In December 2004, eight of Maskhadov's close relatives, including one of his sisters, were illegally detained, allegedly by representatives of the Security Service. The relatives were released in June 2005, almost three months after the authorities killed Aslan Maskhadov in circumstances that are not entirely clear. The relatives have so far refused to disclose where they were held and by whom, apparently afraid of the possible consequences of going to the courts or the media. But the surrender of Khambiev and the killing of Maskhadov are far from the only such cases. Behind the high profile hostage taking episodes, there are a large number of similar cases targeting families of less well-known commanders and other suspected Ichkerian fighters.

Although it is impossible to give a clear estimate of the number of such cases – since many families are afraid to speak, and since human rights monitors only cover parts of Chechnya -- the practice of hostage taking continues. Many families have been targeted, and the illegal practice contributes to the climate of fear pervasive in Chechnya today. Below are two examples of hostage taking incidents reported to the Memorial monitors in October 2005. For security reasons the names of the individuals and families involved have been changed.

### *Hostage Taking in Grozny*

In early October 2005 “Ali”, a 49-year old resident of Grozny, was released after having spent ten months in illegal detention in the basement of the SB headquarters in Gudermes. Ali was detained along with his wife and another female relative by unidentified servicemen and first brought to one of SB's unofficial detention facilities in Tsenteroi. His wife was released after a couple of days, but Ali was kept there for about a week. He was severely tortured, including with electricity, and witnessed the torture and interrogation of numerous other individuals during his stay. Afterwards he was transferred to Gudermes, and stayed there until his release in the beginning of October, apparently in connection with the beginning of Ramadan. Some of the individuals he met during his detention were killed or “disappeared”. Ali claims that on one occasion he personally witnessed Ramzan Kadyrov torturing people: rotating the handle of electric shock machine and “warming up” his mules by inflicting heavy punches on the victims.

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<sup>43</sup> See for instance a report from March 2005, *Chechnya 2004: “New” Methods of Anti-Terror. Hostage taking and repressive actions against relatives of alleged rebel fighters and terrorists*, by the Memorial Human Rights Center. The report describes a number of cases of hostage taking and retaliatory actions against relatives of suspected Ichkerian fighters, and a few cases of attacks against the families of federal servicemen by Ichkerian fighters.

The background for the detention and torture of Ali were the activities of his son, “Khamzat”. Khamzat joined the Ichkerian fighters, but was captured in 2003 by the “kadyrovtsy”, tortured and threatened. As a result, Khamzat joined the ranks of the “kadyrovtsy” and became a unit commander in his home village in order to reveal and eliminate his former colleagues. Khamzat was looking for ways to escape the “kadyrovtsy”. After an accident in the fall of 2004, Khamzat was severely injured. When attempting to seek medical assistance in clinics in Southern Russia, he was apprehended and questioned by the FSB. Apparently scared by these encounters, and the prospect of conflicts with his superiors among “kadyrovtsy”, Khamzat used the opportunity to leave Chechnya and apply for asylum in a European country. His former colleagues apparently assumed that Khamzat had returned to the Ichkerian fighters, and consequently detained his family. However, the SB continued to hold his father even after having established his current whereabouts in Western Europe, in order to make him return, warn and punish the family for Khamzat’s “desertion”. Ali was released without documents, and is afraid that he may be detained again in the future.

### *Hostage Taking in Kurchaloy*

On the night of 9 October 2005 in the village Kurchaloy, fifty-year old Isa Dzabikhadziev, was detained in his home by masked servicemen who arrived in unmarked UAZ cars. They did not identify themselves. However, before the detained Isa, the men raided a neighboring house by mistake. Witnesses claim that among the masked men was Lyoma Salmanov, a local head of the SB who, according to customary law, was in blood-feud with the Dzabikhadziev family after having killed one of Isa’s sons<sup>44</sup>. Isa’s relatives think that the abduction is connected with the departure of another son of Isa, Usman, in August 2005 -- apparently he left home to join the Ichkerian fighters, fearing that if he stayed, he too would be targeted by the SB. Salmanov may have wanted to safeguard himself against revenge, and consequently took Usman’s father as a hostage. By the end of October, the whereabouts of Isa Dzabikhadziev were still unknown.

The case of Isa Dzabikhadziev, illustrates that the conflict in Chechnya is fuelled in part by feuds between families and individuals that have no ideological, political or religious basis. Chechen men and boys join the Ichkerian fighters in order to revenge themselves on individuals in the state security services, or in order to seek protection from the security services.

### **Abuse of Official Powers for Execution of Personal Vendettas or Attaining Personal Gain**

Using the powers handed to them by the state, pro-federal Chechen commanders, like Lyoma Salmanov, ruthlessly persecute individuals and families they perceive as a threat. The cases below illustrate why Chechen society today is trapped in a climate of fear. Paramilitary leaders, who often have serious criminal records, have had their formations incorporated into the state institutions (whether under the Ministry of Defense or the Ministry of Internal Affairs, or directly under Vice Premier Ramzan Kadyrov in the Chechen government), and now use their powers to eliminate anyone perceived to be a threat against themselves and their interests. In some cases, it appears that this entails the virtual extermination of male members of the targeted families.

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<sup>44</sup> Isa’s son was one of the two men Lema Salmanov killed in his yard (this case is mentioned in chapter 2, Section 1 of the present report).

### *Persecution of the Buraev-Arsanakaev Families*

On 2 October 2005, at about four PM, servicemen from different local and federal security structures, apparently including personnel from the FSB and Movladi Baysarov's group, surrounded the house of Zarema Buraeva. Buraeva was at home with three of her two children, two brothers Baudin Buraev (b. 1984) and Ali Buraev (b. 1987) and her mother - Satsita Buraeva (b. 1982). In the house the servicemen found and executed Supyan Arsanakaev, a wounded Ichkerian fighter, who was hiding in a small room below the roof. The servicemen gave Baudin and Ali a harsh beating, detained them along with Satsita and Zarema, and confiscated cash and electronic equipment.

Apparently it was Zarema who hid Supyan Arsanakaev in the house. Supyan was the brother of her deceased husband, who was killed while trying to escape federal servicemen in April 2003.

On October 3 Satsita Buraeva was released and went to different federal and local judicial and law enforcement agencies, but so far it is not known whether her three children are still alive, where they in that case are detained and what they are charged with. At the Grozny police station she was offered a deal: Her children would be returned if she signed a document testifying that weapons had been buried in her garden. She refused.

In the early morning of 18 October 2005, unidentified, masked servicemen broke into the house of Supyan Arsanakaev's father, Salman Arsanakaev (b. 1940). They detained Salman and his son Khamzat (b. 1983). The next day their bodies were found outside the village, bearing marks of torture and violent death. Salman and Ali were apparently the last remaining male relatives in the Arsanakaev family. Satsita Buraeva's first son, Rizvan, was killed in 2002. She now believes that her three other children are dead, and fears that her only remaining son, Roman, is in serious danger. She believes that the murders and disappearances are connected with a long-lasting feud between Movladi Baysarov and the Arsanakaev family, into which her daughter Zarema married, and that Bayasarov systematically eliminates everyone who conceivably could represent a threat to him, even to the extent of killing a 65-year old man. In this brutalized environment, Satsita is afraid that Roman may be next on the list, since his siblings already have been drawn into the feud.

### *Extra-Judicial Execution of Ibragim Shovkhalov*

On 5 October 2005, in the village of Mesker Yurt, Ibragim Shovkhalov (b. 1974), a local resident, was abducted by unidentified servicemen, some of whom spoke in unaccented Russian. The servicemen arrived in UAZ cars, and were accompanied by a BTR armed vehicle, indicating that there was a federal element to the operation. The next day Shovkhalov's body was found in the neighbouring village Chechen Aul. He was found with a plastic bag over his head. There was no forensic examination of the body, but his wife believed that he was strangled to death. The extrajudicial execution is probably connected with the fact that members of his family had been fighting with the Ichkerian forces -- apparently an uncle was believed to be still in the hills. The rest of Shovkhalov's family were either dead or had fled, but he stayed since it was widely known that he had not participated in the armed formations.

The disappearances and extrajudicial executions of the Buraev-Arsanakaev families, and the extrajudicial execution of Shovkhalov, indicates the type of brutal vendetta warfare representatives of the authorities wage against what they perceive to be hostile or unreliable families. The resulting bloodshed consolidates the climate of fear pervasive in Chechnya. But it is, to say the least, doubtful whether such criminal methods will serve to bring about normalization and a return to stability in Chechnya.

## **Torture and Cruel and Degrading Treatment**

Despite claims of “normalisation” by the government of the republic and country, torture, beatings and unsystematic and continual cruel treatment continue to be widely used in Chechnya. These methods are used when suspects are detained both in prison and during interrogations.

Torture is a key element of the “anti-terrorist” activity of security services in Chechnya and the decisions of courts on the cases related to terrorist activity and participation in illegal armed formations, in the majority of cases are based on evidence extorted under torture and self-accusations.

The victims of this cruel treatment, when they are arrested and detained, are often not just the suspects who are being held, but also those close to them and their relatives and even people who happen to be near by chance. ‘Disappearance’ of people seized by agents of various security agencies, torture of those who have “disappeared” in this way, and the republic’s deeply rooted corruption that is directly linked to these serious human rights violations - all contribute towards the general atmosphere of lawlessness and illegality prevailing at all levels of society and government. As a result, terror and fear reign supreme in Chechnya. In this part of the report we shall cite only a few typical examples of the whole vast number of similar cases.

The evidence given by Raissa, a resident of the village of Noviye Atagi:

*“Late in the evening of 12 March 2005, we had gone to bed. Four cars stopped outside of my house. They came into my house and asked for my son. I asked what he was guilty of, but they just asked for our passports. I handed over the passports. There are five males in our family: four sons and my husband. Three of my sons were in the same bedroom. They surrounded them, aimed their machine guns and said to me: “Why are you sheltering so many men?”. I said: “I am not sheltering them; these are my sons.” They took away the passports, then came back and said that they were taking away my eldest son. I asked why they were taking him away and they replied that were going to ask him about something and then he would be released. For ten days I had no news of my son. They gave their ultimatum [clearly they were demanding money], then they returned my son. They dumped him somewhere. They stripped him down to his underpants, tied his hands and beat him up. This was in some kind of car repair shed where gas was burning from a pipe. They beat him up and then, standing round him in a semi-circle, they pushed him onto the gas flame. He jumped over to the other side of it. They threw him back again and again, he jumped over. Then they tied his hands behind his back with a rope, pushed a long stick through the rope and stuck it in the fire. When he started twitching with pain, his hands got untied. He began to beat the flames away from himself. They told him that he appeared to be too hot and took him out into the street in just his underpants where they tied him to a stump and poured cold water over him. Leaving him in the street, they “went off on a trip”... His back was beaten. String was tied tightly round*

*his head and a stick inserted in this, which they said they would turn until his eyes popped out. Tufts of his hair were pulled out. They released some rats and he was bitten all over by rats. This was why I took my son away from the republic. I will not give his name. A few months later they called again this time in camouflage uniform and masks. Then they said they had got the wrong address and left. I still have three sons at home. What a state they were in that night! They just won't let us live in peace..."*

Today more than ever before, human rights organisations which monitor human rights abuse in Chechnya are encountering the problem of victims themselves concealing the fact that they have been tortured because they fear further repression or that their actions will cause harm to members of their family. Sometimes they refuse to speak being under direct pressure of their fearful relatives. Mutilated victims are also afraid to ask for medical assistance and those who do seek it only rarely receive official medical certificates recording the traces of beatings and torture. Usually they receive an official paper, confirming trauma due to "falling downstairs" or "getting into a fight". As they are under constant pressure, medical workers sometimes even refuse to write a prescription out of fear that the nature of injuries could be deduced from the type of the medicine prescribed.

It should be noted that, in addition to lack of any effective investigation into the acts of torture and cruel and degrading treatment, the public prosecutor's office and the forces of law and order invest consistent effort into trying to conceal these criminal acts and assist the perpetrators in avoiding responsibility. Many criminal cases instigated into kidnappings are being closed soon after opening, the documents are being lost or simply disappear without trace along with other important pieces of evidence (photographs, medical opinions, video-recordings, blood-stained clothing) and potential witnesses are being threatened. Often victims of torture or their families are offered to withdraw their complaints in return to more human treatment of the detainees.

On 25 January 2005, Ruslan Musaev, born 1969, a resident of Grozny, was seized by unidentified representatives of security agencies from a taxi in which he was travelling with his cousin, and taken to a checkpoint not far from the village of Goity in the Urus-Martan region. The grounds for his arrest was the fact that his passport was of the old type<sup>45</sup>. According to Ruslan Musaev:

*"I was brought to some place, thrown into a windowless cell, made from concrete and quite small; they removed the sack and put on some kind of rubber cap, but it was not a gas mask, and pulled it down over my face. I then pulled at it, rubbing it against the concrete and pulled it back so that I could breathe more easily. I was shackled in chains and handcuffed. After half an hour they took me away and began beating me. They beat me with my own trainers, which they removed and electrocuted me by attaching phone wires to my fingers and tongue. On the second evening they dragged me into some sports hall. There were wooden bars there. They put a piece of wood under the handcuffs and attached the piece of wood to the bars so that I was left hanging. Then they beat me until I lost consciousness. Then they put a board on my knees and placed a weight on this. And they beat me again. Then they tethered me to two bars with tape, and pulled the bars apart. And again they beat me. When I was cut down, they poured water over me. And they kept asking the same question: "Where have you hidden your machine gun, where were you fighting, tell us". And they also asked me: "Can you father pay \$2000 for you? And will he give us your guns?" Then they pulled a bag over my head and tied it with tape so that I could not see them as they beat me."*

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<sup>45</sup> Russian citizens had to exchange their old Soviet passports for Russian passports in 2000-2002.

Musaev spent several days in this cell. On 31 January he was put into a car and taken to the village of Stariye Atagi. He was thrown from the car not far from a farm. Musaev's passport has not yet been returned to him. *"I was in bad shape with burns from being tied up and from the handcuffs; I had to have an operation. But they didn't give me any papers or any certificate. The head regional doctor even refused to write a prescription or give an opinion. They're all scared"*.

It is typical that when Musaev's family were trying to find him and they applied to the regional prosecutor and to the police, pressure was put on them to withdraw their application.. At first they refused to do this, but later they agreed. In April Musaev was again seized for a week, five days of which he spent in Eighth company of the "kadyrovtsy" of Shali and two days in the police station. This time his family made no applications to authorities and, despite the cruel beatings, he did not consult a doctor afterwards.

Often torture is just one of the methods of fabricating a criminal case and once an accused person confesses under physical pressure to crimes with which he has been charged, his confession is immediately corroborated by additional "evidence".

Edilbek Lemaevich Nakraev, born in 1980, and residing in the village of Samashki, was arrested on 17 September 2005, when he was returning home from work. On his way home he dropped into a games room situated opposite the Territorial Police Department (TOM). Suddenly armed men in camouflage entered the games room and announced that they were officers of the District Police Department (ROVD). They asked him if he was armed. He said he was not and offered his passport. They replied that they would look at his passport later, handcuffed him and led him away. The owner of the games room and one boy were present when this happened. Edilbek asked the boy to tell his family what had happened. His family immediately applied to the ROVD but were told that they could not be given any information about the arrest of Mr Nakraev. ROVD agents questioned neighbours and the owner of the games room and said they would search for the missing.

It was not until 19 September that a lawyer from Atchkhoi-Martan was told that Edilbek Nakraev was being held in the premises of the Department against Organized Crime (RUBOP) in Urus-Martan. When the lawyer arrived, he was not able to talk in private with his client neither on that day nor on the following days. And during the interrogations, conducted by an investigator from the public prosecutor's office, RUBOP officers were also present in the room as well as the lawyer.<sup>46</sup> By the time of his first interrogation with his lawyer present, Nakraev had already confessed to a series of crimes as a member of illegal armed formations. When his lawyer asked why he had confessed to so many crimes, Nakraev replied, "I had no choice". Nakraev was in a very bad state of health. His lawyer lodged a petition for a medical examination of his client. However, this petition was not allowed for three weeks (apparently until the more obvious marks of beatings had disappeared).

On 19 September at 1 pm, officers from the RUBOP came to Nakraev's house with a search warrant. Neighbours were cited as witnesses to the search. After a thorough search of the house, nothing was found. But when the search ended and the witnesses went out into the entrance hall, the search officers came back into the house again and only then called on the witnesses.

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<sup>46</sup> This is normal practice in the Chechen Republic. RUBOP or ORB-2 officers, in violation of the law, keep detainees and arrested subjects on their premises and do not allow lawyers to meet their clients in private as these officers or guardians are constantly present during interrogations. The prosecuting authorities do not protest against these illegal practices and lawyers are afraid to protest.

According to one of the witnesses:

*"I did not sign the search report because I saw that at the first round of searching nothing was found there. Then suddenly they pulled out all the stops! One man, a Russian, in a black tee shirt did not go into the house, but then a Chechen shouted at him, "You must search more thoroughly!" And then one man climbed into the attic, came back down by the door with nothing; he was sent back up there and then he came back down with a pillow in his arms that had some round object inside it. However, nobody had been in the loft with him. Also in the rooms there was a chest of drawers that was closed but they had not even opened it. Yet they examined the bed twice but found nothing there. At first they asked who slept where and the family themselves showed them in which bed their boy slept. The third time they examined it, the witnesses had gone out into the hall so nobody was present when a packet was pulled out from under the pillow. And in a non-used shed they found a bag with some kind of aluminium. Then they stood trying to persuade us "Sign [the report], or else it will be worse for him".*

The witnesses, however, did not sign the search report.

Nakraev was formally recorded as arrested on the 19 September though, according to the evidence of family and neighbours, he was arrested on the 17 September. He was charged under art. 208, part 2 (member of illegal armed formations) and art. 222, part 3 (Illegal possession of a weapon of an organised group).

Sometimes, torture results in the death of the victim. In though cases, the torturers try to ensure that no evidence against them could be found. They also go for "preventive measures" if they realize that they went to far and the victim may not survive.

Thus, T. was arrested in Sernovodsk in January 2005. His mother saw him, after quite a long time, being dragged, severely beaten, from Sunzhenskiy ROVD and taken somewhere, she was later told, into the mountains. In the mountains they started shouting at him to run into the bushes and they began shooting at his feet. But he, suspecting that if he did run, they would open fire on him, refused to run and, despite the danger, stayed where he was. After a while he was taken back to the ROVD and, thanks to the efforts of his family, was released. T. was unable to walk because of his beating, and had to go home in a taxi. In April 2005 T. was again arrested this time with his cousin, R. They managed to buy their freedom from the ROVD by paying the large sum of money that was demanded. According to the evidence gathered, when they were taken away, T. was completely unable to stand. Both of them were groaning loudly despite attempts to restrain them. R. could not breathe as his ribs were fractured. It turned out that T. was taken from his interrogation to the village hospital when he lost consciousness and was bleeding profusely. He was tended to in the hospital but after half an hour he was taken back to the ROVD along with his medical chart and all the notes. The head doctor was warned to keep quiet about what had happened.

The already mentioned events that unfolded in September 2005 in the village of Noviye Atagi in the Shali region, are a particularly clear illustration of the unceasing physical and psychological terror that prevails in the republic. For the whole of September, people from the village were constantly disappearing, mainly for relatively short periods but they were still subjected to very violent beatings and cruel treatment and sometimes were tortured. Some of the prisoners were only 12, 13 and 14 years old.



During the night on 12/13 and 13/14 September, officers of the law enforcement agencies seized the following local residents: Ruslan Salaudinovich Khalaev, born 1984, Sharudin Badrudinovich Khalaev, born 1978, Magomed Isaevich Elikhanov, born 1985, Apti Edilov, 18 years, Magomed-Zmi Aguev, born 1987 and Islam Khasinovich Bakalov, born 1987.

According to the families of the seized men, during the special operation, the “bruisers” were rough and did not give any explanations as to why the men were being taken.

The families went to Shali but were unsuccessful in their attempt to learn the fate of their nearest from the ROVD and the Public Prosecutor's Office. On 15 September, the relatives of the seized men closed the road in Noviye Atagi that crosses the bridge over the river Argun. On 16, 17 and 18 September a picket by residents demanding the returned of their seized relatives continued despite being threatened on several occasions with the use of force to disperse them by armed men in camouflage uniform.

During the night of 18 September, agents from an unknown branch of the law enforcement authorities carried out a raid on a bakery in Noviye Atagi. They smashed up equipment, and drove away the workers, accusing them of supplying bread to the militants.

That same night, unknown armed men seized the village's head of administration, Abdulla Datsaev. He was taken to Shali. He returned the same day, in the early morning, cruelly beaten. According to some reports he had four fractured ribs.

Speaking to representatives of human rights organisations, the Prosecutor of the Shali region, Mr A. N. Buramenskiy, said later, commenting of the villagers' protests, “People, you know, are very poor minded. But we all know that their head of administration, Abdula Datsaev is guiding them.”

When Datsaev returned, he summoned the parents of Elikhanov to see him and urgently requested them to stop blocking the road. According to him, the whereabouts of the seized men is known, but he could not say exactly where they were.

On 18 September, one of the seized men, Apti Edilov, returned home. He was thrown out of a car not far from Grozny, but managed to reach home himself by getting a lift in a passing car. Edilov had been cruelly beaten. By midday on 18 September, a divisional policemen came to the pickets and offered to go with the relatives to Shali where they could be shown their sons. In the Shali ROVD they were told that Magomed Elikhanov, Aguev, Ruslan and Sharudin Khalaev had been charged with the murder of police officer Mitsaev (who was killed in the outskirts of the village of Noviye Atagi a few days before the described events). A criminal action was instigated against each of them.

Islam Bakalov was released on 22 September in such a critical state that he was immediately hospitalised.

The father of one of the prisoners said,

*“They took me from here, from my house, and beat me up on the way; they said nothing and asked nothing. A sack was put over my head and they would not answer when I asked where they were taking me. I was put in a cell with a window and two bunks. My son was in another cell; I was alone. Then I was taken to the interrogation. My son was tortured in my presence; he was whipped with barbed wire and rubber cudgels and given electric shocks. No-one introduced himself but they were not masked; only one man in the car was masked. And later,*

*during the torture, he still had his mask. When I was brought here they removed the sack from my head. They did not ask any questions; they just said, 'tell us that it was him who killed'. We were in a room, like a garage, without any windows and there was a compartment with bars that was separate from the main room. They kept me there while my son was in the centre. They beat and beat my son; I began to feel ill and I said that I felt I was having a heart attack. They took me out and threw me into another room with a window. I was only beaten in the car, but how they tortured my son! His fingers were electrocuted, water poured over, then he was beaten, then burned. If they tortured him any more, it would be a body we would receive and not our son".*

Soon the prisoner's father collapsed and the "kadyrovtsy" officers released him.

Later the public prosecutor said, that on 15 September, a criminal case was instigated for the illegal arrest of the residents of Noviye Atagi in accordance with art. 127 (illegal imprisonment). The official imprisonment of the four accused persons was legally formalised only on 18 September when the capturers (the SB officers) handed them over to the ROVD.

The public prosecutor of the Shali Region, Mr Buramenskiy, told "Memorial" representatives that the seized men arrived at the ROVD without any physical injuries, but the identities of those who brought them were "not actually known".

This incident has a further typical development that leads us to speak about the special, constant and widespread use of methods of torture. We do speak about psychological torture and torture using constant terror. Residents of whole villages become victims of these. On 23 September 2005, after the Friday prayers, more than ten armed men came to the mosque. There were four doors into the mosque of which three were closed. Everyone was ordered to enter by the remaining open door and to gather in front of the mosque. There were several hundreds of men inside the mosque and an even greater number of citizens became witnesses to what happened as the market place was right next to the mosque.

A resident of Noviye Atagi recounted,

*"On Friday, 23 September 2005, 15 men along with the commander of number 2 regiment, Alambek Yasuev, came to the mosque. They were armed but unmasked. The commander spoke with the Imam who was then given some money in front of everyone. Then he began talking (for about 30 minutes) saying that he had taken these four and that he was boss here and that he could kill them without any court proceedings. He said that he would punish the women pickets, that there were another four criminals running about the village and that they had to be caught. He also said that there were ten vakhabits families living in the village and if we suppressed them ourselves then everything would be fine for us. His aim was to make us fight among ourselves".*

It should be noted in particular that some of the residents of Noviye Atagi, who were so frightened that the majority of them refused to give evidence even in private proceedings where they would not be named, are convinced that the village has been punished for not giving sufficient votes "for Kadyrov" in the previous elections. "Clearly, this is why we've been treated this way – we don't even have a portrait of him in the village", testifies one of the local residents.

Lack of Kadyrov portrait does not have to be the true reason for the punitive raid on Novye Atagi. Nonetheless, the emergence of such a widespread belief in the village shows that violence, terror and widespread fear have strong impact on the potential “choice” of the electorate.

### **Fabrication of Criminal Cases (on the example of Vladovsky case)**

Previously, it was often the case that people who were abducted in the Chechen Republic disappeared without a trace. Lately there has been a change to this practice. Frequently the abducted people turned up in places of illegal detention, from where, after some time, they were either released or ransomed. Furthermore, some of the abducted persons were "legalized" and placed in legal detention, either temporary detention isolators (IVS) or pre-trial detention centers (SIZO). But the legal status of these places by no means guarantees the observance of laws there. Frequently, people are forced to sign confessions by means of torture and threats. The public prosecutor's office does not prevent these illegal activities of the investigators, i.e. representatives of the power structures. Attorneys are only allowed to visit the detainees after they have given evidence or a confession. Moreover, frequently "on-duty" attorneys do not protect their clients, but collaborate with the investigators, shutting their eyes to their methods and persuading the "defendants" to sign confessions. Finally, the court usually automatically "stamps" these criminal cases<sup>47</sup>.

Chechnya in this respect is by no means unique - the phenomenon of the “violence conveyor” was investigated in a report based on examples from the neighbouring republic, Ingushetia. Its basic components are briefly enumerated below.<sup>48</sup>

A person suspected of having committed crimes relating to the activities of the so called illegal military formations, is frequently illegally detained by representatives of the power structures, who neither present any documents nor indicate the reason for detention, and never report where the detainee will be delivered. The relatives of the detainee usually do not know who – the police officers, the Federal Security Services, or the bandits – has taken him away and where he is located. The detainee usually "disappears" for some time - from 12 hours to several days.

In part of the cases the illegally detained (abducted) person is then “discovered” in one of the places of preliminary detention (however, numerous abducted people still disappear without a trace). From the detainee the representatives of the power structures attempt to obtain confessions of crimes, usually by way of brutal beatings and other forms of torture. The on-duty attorney, proposed by the investigating officers, does not write a complaint about the use of torture against the defendant, nor does he require medical assistance to him, or the performance of forensic medical examination of his health condition. At this stage, the relatives, more often than not, do not know the whereabouts of the detainee and cannot hire another attorney on his behalf. In cases where the relatives hire an attorney anyway, he is not admitted to the suspect, based on various pretexts, before the confession evidence has been signed.

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<sup>47</sup> But in this system also happen some exceptions. An example – the Mikhail Vladovsky's case, in which the court appeared to adhere to the principles, and investigated the methods, by which the “burden of proof” was obtained.

<sup>48</sup> See the Memorial's Report, A Conveyor of Violence. Human rights violations during anti-terrorist operations in the Republic of Ingushetia. September 2005.

The detainee then “confesses” to the crime he is suspected of committing (and also other unsolved crimes), he is required to name other persons taking part in illegal activities, or to falsely accuse people who are suspected by the investigating officers. As one attorney said, “the most experienced people assert that no one can bear those tortures. Sooner or later they all surrender”.

In some cases, persons were delivered to the hospital in severe condition after being detained in this manner. Apart from the beatings and the torture, the representatives of the power structures usually exert psychological pressure on the detainee, such as making threats to his relatives. The confessions are usually signed in the office of the investigating officer, and then ‘confirmed’ in the presence of attorneys. However, the person is warned in advance that in case he refuses to sign, the “process” will resume in a more severe fashion. If the person still refuses to sign a confession at the stage of preliminary investigation, the threats become reality. The suspects are instructed and explained in detail about the crime they are supposed to have committed, and they are also explained precisely what it is necessary to demonstrate in the course of the investigation.

Usually the attorney invited by the relatives obtains access to the suspect only after the latter has signed a confession. Even if the attorney knows about the illegal methods applied to his client, in most cases he will not write a complaint about the brutal treatment, fearing for his own safety. Few dare to openly criticize this system. The forced confession will then become the main proof of the defendant’s guilt. Even in cases where questions about the application of force against the accused were raised in the course of the judicial hearings, the courts have been incapable of discovering the falsification of evidence. Consequently, the courts have failed to give a proper estimation of the alleged violations of law and to pass just sentences.

Torture in the places of preliminary investigation is extremely difficult to document, since independent physicians are not allowed to visit the detainees, and attempts to conduct forensic medical investigations are blocked. This system leaves few chances for a just punishment of the guilty and for a discharge of the innocent. Complaints directed to the federal surveillance bodies are redirected to the republican surveillance bodies, and end up on the tables of the exact persons who are covering for the violence and arbitrariness of the law-enforcement agencies and special services.

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On May 15, 2003, the press service of the Regional Operational Headquarters in Rostov-on-Don informed the public, that “law enforcement officers in Grozny had discovered two members of the illegal bandit formations in the Chechen Republic, Beslan Ugurchiev and Mikhail Vladovsky”. It was further said that they belonged to the group of Paissulaev, which had its operational area in Grozny, and that they often used army uniforms when committing crimes against citizens. For this, it was said, they were detained, and charges were brought against them under the Criminal Code of the Russian Federation for “organizing illegal military formations”.<sup>49</sup>

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<sup>49</sup> <http://www.memo.ru/hr/hotpoints/caucas1/msg/2003/05/m3629.htm>

What actually happened was that the “detained” Mikhail Vladovsky (born 1983) was kidnapped from his house on May 7, 2003 by unknown armed Chechens, wearing civilian clothes, arriving in a white “Zhiguli” car with the plate number X-765AK95. On the same day his family addressed the law enforcement structures. They gave the plate number of the car to all the sentries and activated a plan to apprehend. Both remained without positive results.

For several days the relatives knew nothing about Mikhail’s fate. Only on May 12, through unofficial sources, they learned that he was kept in ORB-2.<sup>50</sup> However, first the officers there refused to acknowledge Vladovsky’s presence, and only after persistent begging from Mikhail’s mother, Ljubov Vladovskaya, they acknowledged that he was indeed there.

The other “armed rebel”, Beslan Ugurchiev, was detained by the police, and not for the first time. But he was not detained for participating in illegal military formations, but rather for petty thefts he used to commit. Exactly for that reason there had been a quarrel between him and Vladovsky shortly before his detention.

Using torture, law enforcement officers forced Ugurchiev “to confess to have perpetrated terrorist acts”. And they demanded from him to name someone else, as an accomplice to the “crimes perpetrated by him” (a widespread method for “combating terrorism” in Chechnya). Ugurchiev named Vladovsky.

After that Vladovsky was kidnapped and delivered to ORB-2, where there was a pre-fabricated scenario of his alleged terrorist activity already waiting for him, and he was “only” asked to sign it, again accompanied by torture. By this means, Vladovsky was forced to confess, that as a leader of an illegal military group he had purchased shells from Ugurchiev and organized and committed subversive acts. He was heavily beaten with a truncheon and nearly suffocated, when a gas mask was put over his head.

At one point, during the second half of May, the International Red Cross managed to visit ORB-2. Before the visit, its officers went to all the cells and warned the inmates that whoever complained will “afterwards regret it”. Despite that warning, Vladovsky spoke to the Red Cross visitors about the violence he was subjected to and showed the signs of torture and beating on his body.

Since the ORB-2 officers did not receive the expected “evidence”, or at least a signature, from Mikhail Vladovsky, on May 24, 2003, they also detained his younger brother, 15-year-old Ruslan. Beating and threatening the teenager, they told him that his brother Mikhail was badly beaten by them but that he could help him. Ruslan was also told that Mikhail had already confessed that he had fired a grenade against a block-post, and about Ruslan’s filming this “event” with a video camera. They promised Ruslan to release his brother and let him go home, if he confirmed the above “evidence”. The teenager confirmed everything he was required to, and was released the same day.

Mikhail Vladovsky spent 26 days in ORB-2. On June 3, 2003 he was brought to the pre-trial detention center (SIZO) of Grozny. About that time he was finally “successfully” forced to confess under torture that he had purchased weapons from Ugurchiev and had sold them to the armed rebels. However, Vladovsky did not sign the broader accusation of “having committed terrorist acts.”

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<sup>50</sup> *Translator’s note:* ORB is a transliterated abbreviation for what is in Russian the “Operative Searching Office of the North Caucasian Bureau of the Ministry of Internal Affairs (MVD).

The criminal proceedings against Vladovsky were taken according to articles 209 p. 2 – membership in a bandit group; art. 222 p. 3, – keeping and transportation of weapons; art. 208 p. 2 - participation in illegal military formations; art. 205 p. 2 – terrorism; and art. 33 p.5. – inducement.

During the court inquiry, the lawsuit was held before the Supreme Court of the Chechen Republic by Judge V. Asuhanov, the lack of any substantive basis in the indictments became evident. The family had submitted documents, confirming that Vladovsky could not physically commit the specified terrorist acts in Grozny, of which he had been accused, since at that time he lived as a refugee in a railway wagon in the village of Sernovodsk, on the border with Ingushetia, and his permanent presence there was witnessed by his family and neighbours. Besides, an alleged joint offence of Vladovsky and Ugurchiev, “confessed” by Ugurchiev, was dated on such a day, when Ugurchiev himself was detained in the temporary detention isolator (IVS) of the Leninsky district of Grozny. It was of his previous detentions because of the petty crimes he committed.

On 9 February, the Supreme Court of Chechnya convicted Vladovsky to two years imprisonment according to article 222 (keeping and transportation of weapons). The other charges had been dropped. In a private conversation the Judge told the Vladovsky family that he could not entirely discharge Mikhail, since he was put under pressure by the ORB-2 staff. Not considering himself guilty, Vladovsky appealed to the court of cassation. In reaction to this his mother was told: “Are you discontent with the fact that he was sentenced only for two years?” Indeed, according to that logic, two years for the absence of guilt is a short term. Vladovsky was transferred to Chernokozovo prison in expectation of his appeal trial and its result.

Most probably, the operation officers as well as the investigator Dukaev, who conducted Vladovsky’s lawsuit, had not “forgiven” him the “safe and sound” decision of the court, and in spring 2004 the Vladovsky’s case found an unexpected continuation.

On May 26, 2004, at 4 a.m. in the morning, another man, Musa Lomaev (born 1981) was kidnapped by unknown armed people in camouflage uniforms in Grozny,. He was immediately brought to the district police department (ROVD) of the Leninsky district of Grozny, but this fact was not officially recorded. The same day, following the request of the detainee’s wife, the administration of the Interior Ministry of the Chechen Republic conducted a check-up, but could not verify that Lomaev had been delivered to the ROVD.

However, on May 27, Lomaev “all of a sudden” turned out to be indeed in this ROVD, confirmed by a detention protocol signed by investigator Dukaev. The ROVD officers, subjecting Lomaev to severe torture, forced him to incriminate himself for committing terrorism-related crimes, which they had previously uncovered. Dukaev “warned” Lomaev that in case he would decide to renounce the evidence he had already given, his mother and wife would become victims of retribution. As a result, Lomaev signed everything they required. And when the operation officers “offered” him to sign a paper that he committed terrorist acts together with Vladovsky (whom he did not even know), he also consented.

After meeting him, Lomaev’s lawyer, Rosa Dakaeva immediately wrote a submission, that illegal methods of interrogation had been applied toward her client. She solicited a forensic medical expertise. The expertise showed, that Lomaev had multiple bruises on his body as well as suffusions as a result of beatings with a blunt object. Confirmed physical coercion put into question all the “information” that had been obtained by the investigator.

However, investigator Dukaev, on June 4, 2004, refused to start a criminal proceeding ignoring the injuries on Lomaev's body, stating that these injuries did not cause a short-term health disorder for Lomaev; even though medical experts had certified traces of physical torture on his body. He did not even touch the question, who might have caused the injuries and for what reason.

Article 9 of the Criminal Procedure Code of the Russian Federation forbids any action during the interrogation not foreseen by the Criminal Procedure Code, not to speak of torture, and Article 7 states that violations of the Criminal Procedure Code make the thus obtained evidence inadmissible. The "blindness" of Dukaev towards the evident legal violation only confirms that Lomaev's torture and later the torture of Vladovsky had been organized by Dukaev himself. Also, to institute proceedings against the butchers of his remand prisoners would be equivalent to institute proceedings against himself.

Furthermore, under the threat of more physical violence Dukaev forced Lomaev to dismiss his "too meticulous" lawyer Dakaeva.

On June 8, 2004, Vladovsky was transferred from Chernokozovo to the temporary detention isolator of the ROVD of the Leninsky district. During the first twenty four hours there, he was tortured so badly, that on the following day he was delivered in a very bad state to Hospital Nr 9 in Grozny.

26.07.04, Appeal to the public prosecutor of the Leninsky district of Grosny. From Lawyer T. Usmanov, carrying out the defence of Vladovsky, indicted on Article 222:

*"Today, on July 26, 2004 in the pre-trial detention center, my client Mikhail Vladovsky has declared the following.*

*He was delivered to the temporary detention isolator of the Leninsky ROVD on June 8, 2004. On the same day he was visited by investigator Dukaev, who right away told him that he has to voluntarily confess having committed a number of terrorist acts, otherwise he will be forced to do that.*

*Vladovsky declared that he had nothing to do with any terrorist acts. Dukaev left the office, and three Chechens operation officers with truncheons entered, asking him whether he intends to confess having committed terrorist acts. They started to beat him with truncheons, first his feet and hands, then striking all parts of his body, especially his legs. They were beating him for a long time, asking him once in a while whether he now was willing to confess, but he had nothing to confess. The whole body hurt terribly and he could not stand on his feet any longer. Because of the pain he could not sleep the next night.*

*On the next day they had to take him to the 9th municipal hospital. "The doctor examined my legs. But the officers who took me there, declared that I had fallen down. My legs were black because of beating. The doctor said, that the bones of my right leg had fractures, and the blood vessels on both legs had been cracked. My right leg was put into a cast and the left one was bandaged."*

*Being sure that the torture would continue, Vladovsky quickly wrote a note that the only one guilty for his possible death would be the investigator Dukaev. This note he put under the cast, hoping that it would be found after his death.*

*On June 16, Vladovsky was transferred to ORB-2. His cell-mates told him that no one managed to stand the torture and that finally everyone confirms everything he is required to. On the same day, some operating officers cruelly beat him, when he again refused to take something on himself that he had not the slightest idea about. Feeling that he could not bear all this any further, and not willing his family to be considered a family of a criminal, he cut the veins on both hands with the blade he had. Everything that happened afterwards, he remembers only vaguely.*

*Vladovsky told me, that when after his confrontation with Lomaev they walked to different cells, he managed to ask Lomaev what had forced him, Lomaev, to incriminate himself? Lomaev answered that the operating officers had tortured him and threatened to kill his mother, if he did not name him, Vladovsky, as an accomplice to his alleged crimes.*

*Even today, after such a long time, Vladovsky can show the scar, remaining on the elbow of his left hand after his beating with truncheons at the temporary detention isolator”.*

After this appeal to the prosecutor’s office, the investigator Dukaev did not any longer allow the lawyer Usmanov to visit Vladovsky.

In the course of the court hearing in the Supreme Court of the Chechen Republic (Judge R. Soltamudrov), all the charges brought against the accused have fallen apart. The places and the time of the alleged crimes did not coincide. For instance, in the case of Vladovsky, it has been said that a terrorist act was committed on September 20, 2002; whereas at that time Vladovsky was at his working place, which had been confirmed by the timesheet of him going to work, and by the evidence of his colleagues. The rest of the accusations turned out to be groundless as well. In the court, Lomaev renounced all the evidence, given previously, confessing that under the torture and threats concerning the members of his family, he had incriminated himself and Vladovsky, whom he had not known before.

On March 10, due to the alleged beating of remand prisoners, the officers of the ROVD of the Leninsky district of Grozny, Khamzatov and Abdulov, were called to the court. In the hall of the court, the mother of Vladovsky turned to Khamzatov and said: “How could you beat children? God will not forgive you that!” Khamzatov took out his mobile phone and started to photograph Vladovskaya. The woman complained to the bailiff. After that, before leaving the premises of the court, Khamzatov threatened the woman “I will pull you ...”

On the following day, at 9 a.m., several armed unmasked people arrived in several UAZ and “tabletka” cars at the house of the Vladovskys, and took away with them the younger brother of Mikhail, Ruslan. One of the men mentioned that they are from the temporary detention isolator of the Leninsky district. On the same day, the mother of Vladovsky addressed all possible instances and managed to release Ruslan already at around 2 p.m. According to his words, he was seated on a chair with the words: “Your brother was a man, let’s see what you are”, and started to beat his head with a thick truncheon, demanding that he should give evidence against his brother, more specifically, that his brother was a gang member and had taken part in the attempt against Abramov and the some “kadyrovtsy”, and that he had also tried to make him, Ruslan, to commit subversive acts.



On March 30, 2005, an event took place, which was unprecedented even in today's Chechnya. In the judgment of the Supreme Court of the Chechen Republic, Vladovsky and Lomaev were acquitted. It was declared that they were not guilty of committing the crimes, that had been attributed to them by the investigatory organs. Both were released.

But Vladovsky still could not stay, and what is more, sleep at home, since several times the ORB-2 and the Leninsky ROVD staff members broken into the house of his family, demanding to "speak" to him.

The judgment was appealed by the prosecutor's office at the Supreme Court, and the appeal was granted on June 1, 2005. The case was referred back for a new plenary session of the court.

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Comments of the lawyer:

*During the preliminary inquiry a remand prisoner has to be kept in the pre-trial detention center. To keep people at the temporary detention isolator, people call it "apery", is a violation of the law. The conditions there are simply not appropriate for keeping people.*

*But they have developed a whole system. The person is beaten and tortured at the temporary detention isolator. If he does not "succumb" to the torture there and does not give the required evidence (and more often they are incriminating themselves), he is transferred to ORB-2, where the torture is even more sophisticated. And only after that, when the person is finally broken, he is transferred to the pre-trial detention center, where the attitude towards the detainees is more or less decent. And the people know about this system. If the person is told that he is transferred to the temporary detention isolator, or to ORB, he knows already that he is conducted to torture. This is a special form of a psychic coercion. Even after the persons on remand are transferred to the inquest isolator, they are not informing about the tortures, since they are afraid of the possibility to be transferred back to ORB, or the temporary detention isolator.*

*That is why, more often then not, they report about the inhumane treatment only during the court procedures. The court formally prescribes a prosecutor's check-up, which in 99.9% of the cases presents papers, where it is said that the above mentioned facts were not confirmed. At the preliminary inquest all the investigators have ready made standard "hats" – terrorist acts. When a new person is delivered there, they only change the name under this hat and start breaking the person, so that he signs everything. And the court holds on only to the inquest. Practically all the remand prisoners, where the accusation is based on the articles of "banditism" and "participation in illegal military formations" are being tortured. 50% of the cases on those articles are fabricated.*

*What does it mean today to be a lawyer in Chechnya? Previously there was a Bar Chamber, but that was enough for the lawyers to be able to peacefully work. Today there is a Federal Bar Law, and formally the lawyers are protected by this law. However, in reality, their life is constantly in danger. Sometimes they are threatened directly: "If you don't renounce this case – you will regret", sometimes they omnisciently remind them about the safety of their family members.*

*As a matter of fact, today in Chechnya the prosecution is conducted not by the prosecutor's office, but by the Federal Security Service (FSB). And the Judges of the Supreme Court are also dependent on the FSB, since they do what is being dictated to them by the FSB.*

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Human rights defenders have been fighting the unofficial prison system in the Chechen Republic – i.e. the system of abductions, torture and extrajudicial executions, which is covered by the facade of formal law enforcement bodies -- for almost six years. This system in fact allows real terrorists to avoid punishment and at the same time builds up the ranks of wrongly punished people and their relatives, who represent a strong recruitment resource for the terrorists. It is particularly dangerous for the state and its citizens as it only serves to further exacerbating the situation and breeding terrorism.

### **Abductions and Disappearances**

In 2005 the personnel of security services continued to kidnap the citizens of Chechnya. Not infrequently the kidnapped were subsequently released or bought out for ransom. In some cases they later “appeared” in the places of preliminary detainment, having already “confided” in the participation in illegal armed formations, terrorism, illegal storage of weapon. The problem of disappearances continues to be acute in Chechnya.

Below are analyze several cases of enforced disappearances of people. This is a small sample among lots of similar cases, registered by human rights groups in the last 6 months. We think those do not require much commentary, since they speak for themselves.

According to human rights groups, up to five thousand people have “disappeared” in Chechnya during the Second Chechen war. With a handful exceptions these crimes have not been investigated and perpetrators remain unpunished. There is sufficient documented evidence to claim that the absolute majority of these people were kidnapped by representatives of security services. Obviously, in the society which has experienced such a level of violence by representatives of the state, free and fair elections are impossible unless these crimes are investigated and criminals are held responsible. A “minimal level of trust” between the society and the state have to be restored, which in the context of Chechnya means the perception of the state structures as a major security threat is overcome. Nothing of the kind is happening today, and the parliamentary elections are taking place in the background of kidnappings and disappearances of people.

*June 5, 2005. The kidnapping and “disappearance” of Zakaria Magomadov ( born 1984)*

In the night of June 5, 2005, unknown armed men in camouflage, presumably officers of law enforcement bodies, kidnapped Zakaria Magomadov from his home in Tza-Vedeno village, Vedeno district.

At about 2.30 a.m., the armed men, some of them masked, forced their way into the home of the Magomadov family. They ordered everybody to lie down on the floor and put their hands behind their necks. When the head of the family, Daud Magomadov, tried to clarify why the armed men had come to their home; he was first hit, and then his hands and legs were tied with a tape and he was moved to another room.

The armed men grabbed his sons, Aslan and Zakaria Magomadov, and forced them out of the house. Their mother and Zakaria's pregnant wife unsuccessfully tried to prevent them from taking away the brothers and were beaten. A young child in the house, frightened by the armed men, kept wailing in a loud voice. When the armed men finally were leaving the house, one of them said in unaccented Russian: "We do not fight women and children." Everybody in the house was ordered not to move for a quarter of an hour. Somewhat later, they heard several cars starting their engines near the bridge of the river.

Half an hour later, Aslan Magomadov came back home and told them that two cars, a UAZ-469 and another, luxurious UAZ, had been waiting for the men at the bridge. Aslan and his brother were first put in the UAZ-469, but then Aslan was moved to the other car. They drove away, but stopped 500 meters after having crossed the bridge in the direction of Shali, and let Aslan go.

The Magomadovs contacted all law enforcement bodies of the Vedeno district that day. After that, an investigation team visited their home, and the policemen interrogated witnesses, took photos of the traces left by the cars and found a hammer left by the kidnappers. They were left with the impression that the officers knew who had taken Zakaria, but that they did not want to say openly who it was.

Two days before the kidnapping of Zakaria Magomadov, on the opposite side of the Khulkhulan river, a shell had hit a military vehicle. There were victims.

In the course of one of his meetings with the head of the Regional Department for Internal Affairs of the Vedeno district, Musa Dehiev, Zakaria's father was told that he was in a possession of a declaration claiming that his son had been involved in subversive operations. Dehiev did not name the author of the declaration. The father tried to explain that Zakaria could not have had anything to do with the explosion, as it had happened early in the morning when his son was still asleep. Dehiev did not believe him and advised Daud to stop looking for his son.

#### *June 10, 2005. The kidnapping and "disappearance" of Ruslan Agmirzaev (born 1984)*

On June 10, 2005, unknown armed persons in masks and camouflage uniforms, most probably representatives of the enforcement structures, kidnapped Ruslan Agmirzaev, inhabitant of the city of Argun, living on Voroshilov Street.

Ruslan was in the yard of his house together with his 9-month old daughter, when armed persons in masks approached the house in two cars, one being a UAZ-469 and the other a VAZ 21099. Without explaining anything, they forced him into one of the cars and drove him away in an unknown direction. Ruslan's wife witnessed the kidnapping and tried to prevent it, but was roughly pushed aside.

Ruslan is the youngest son in the Agmirzaev family. One of his brothers, Salman Agmirzaev (born 1977), was taken away after a "cleanup" operation in the village of Vedeno, where he visited some acquaintances. He was brought to the main military base in Chechnya, Khankala, where he was tortured for 7 hours. Later, he was thrown out of a car in the village Berdykel without any documents. From then on, he did not live at home, hiding from possible passport check-up operations. Nevertheless he got into another "clean-up" operation and was killed together with two other young people on a neighboring street.

After his death, the older brother, Aslan Agmirzaev, told his mother that he would be leaving the house, and asked his brother not to look after him, and not to believe any announcements about his death. Nevertheless, the younger brother, Ruslan, who lived at that time in a tent camp in Ingushetia, tried to find him. He got in touch with a group of armed rebels. During one of his meetings with them, Ruslan told them of how he had found a bag with batteries for a wireless station and rusted bullets, while working in his garden. Not knowing who had put it there, and fearing suspicions of officials, Ruslan and his mother, Ljudmila Agmirzaeva, buried the things in the garden again.

Some time after this conversation, the group of armed rebels, with whom Ruslan was in touch, were detained. One of them told about Ruslan and his finding, and in the winter of 2004, Chechen police dug out the bag with the rusted bullets from the garden and detained Ruslan. After keeping him for two days, he was released, and a criminal case under article 208 (“participation in bandit groups”) and article 222 (“unlawful keeping of arms”) was initiated against him. In the course of the investigation, the accusations under article 208 were removed, and a court hearing under article 222 was appointed. According to the lawyer, the charges have been easy to refute during the court procedure, as in fact no arms had been found, but only rusted bullets. The court hearing was postponed several times by the Judge. Finally, a hearing was appointed for May 23, 2005. However, on May 21, Ruslan was kidnapped from his house by armed people in camouflage uniforms, who had approached his house in several silver VAZ-2109 cars. The kidnappers left Ruslan’s passport at home.

His mother addressed the regional police station (ROVD), and was accepted by the examining magistrate Lugansky, who accepted to take Ruslan’s passport, but never told the mother, what search measures they were going to undertake.

After 13 days, the strongly battered Ruslan, with traces of torture on his body, was thrown out of a car near the quarry in a suburb of Khankala. He got home with great difficulties. His mother went again to the regional police station, in order to get back the passport. The investigator Lugansky returned the passport, but only after she had signed a declaration that her son Ruslan “was not kidnapped and tortured”, and that he had “traveled for some time to the Naursky village and returned home on his own”. On June 10, investigator Lugansky came to see Ruslan at home, asking him to sign the documents he had brought. Ruslan signed.

One hour after the investigator’s visit Ruslan was kidnapped again. Since then there has been no trace of him.

#### *June 20, 2005. The “disappearance” of Musa Dasuev (born 1984)*

On June 20, 2005 at noon, Musa Dasuev, inhabitant of the village of Dyshni-Vedeno in the Vedeno district, “disappeared” without leaving any trace

On that day, an unknown Chechen man came to the house of the Dasuevs and asked for Musa. He was brought to Musa’s room. Some time later, his sister heard the noise of a leaving car. When she went to his room, she understood that Musa had left with him, but without taking his documents.

No one, neither the relatives nor the neighbors, saw how Musa left or even the type of the car used by the visitor.

In 2001, Musa had been detained by a group of Russian soldiers from the regional commanders office in Vedenov and transferred to the inquiry insulator in Chernokozovo (Chechen Republic), where he stayed for 10 months under the accusation of participation in bandit formations and of keeping arms. Following a decision of the Krasnodarsk court, Musa came under an amnesty and was released. But when he went back to his native village he was again detained for 10 days by soldiers of the regional commanders office. The alleged reason for his detention that he did not have a passport at the time. He was due to receive it after several days.

The soldiers of the regional commanders office in Vedenov detained Dasuev a few more times, in spite of the availability of all of his documents, including the amnesty reference document.

### ***June 25, 2005. The kidnapping of Amhat Asuev (born 1973)***

On June 25, at dawn, Amhat Asuev was kidnapped by unknown armed people in camouflage uniforms and masks, most probably representatives of the power structures. Asuev is resident of the village of Ukrech-Kiloy in the Shatoi district of Chechnya.

At about 5 a.m., two armed persons in masks and dressed in camouflage uniforms came into the house of Asuev family. First they went to the room where Aslanbek Asuev (born 1970) slept. Aslanbek works as a district policeman of the Shatoi Regional Police Department. A submachine gun was held to his head, and he was ordered not to move. They took his revolver and demanded that he should also give them his submachine gun. They spoke Chechen. Aslanbek showed them where his submachine gun was lying and asked them not to shoot in the house, where his parents, his brother, his uncle, and two pregnant women and children were sleeping.

At first, Aslanbek thought they were armed rebels, but judging their manners and speech he soon understood that they were representatives of the Chechen security structures, most probably so-called “kadyrovtsy”. The unknown persons told him that they knew that he is a policeman and once again warned him not to make any unnecessary moves.

Soon another masked man entered the house. He went to the room where Aslanbek’s brother, Amhat Asuev, was sleeping. Before waking him up, they also pointed a submachine gun at his head. Aslanbek understood that the unknown persons actually wanted to take away his brother, and knowing that he is a policeman and might be armed, they first neutralized him. As he did not want to passively watch his brother being kidnapped, he started to offend the unknown assailants. In response, they started shooting randomly. The shooting woke up the rest of the family. Aslanbek’s mother and sister rushed into his room. They were weeping and crying, and when the unknown men started to remove both Aslanbek and Amhat, their mother approached the unknown men, begging them to let her sons go. They started shooting in front of her, discharging a whole bullet clip.

The noise attracted the neighbors from nearby houses, but they could not interfere in the situation since the kidnappers shot non-stop in the air and on the sides. They threw Aslanbek down near the gates and dragged Amhat into one of the cars - there were two cars, a VAZ-2107 and a VAZ-2116, a hatch back - and drove him towards Shatoi.

After a few hours a joint group from the Ministry of Interior and the Prosecutors Office came to the house of the Asuevs. They examined the place of the incident, gathered the fired cartridges and interviewed the relatives. Already before the visit of the group, Aslanbek Asuev had gone to Grozny, and approached his connections in the law enforcement structures about finding his brother. The Asuevs did not officially address the law enforcement structures.

In a conversation with the representatives of the International Helsinki Federation for Human Rights, the head of the Shatoi Regional Police Department, Said-Ali Kurashev, said that Amhat Asuev has been taken to Gudermes by officers of the Anti-terrorist Center, subordinated to the Vice-Prime Minister of the Chechen Republic Ramzan Kadyrov.

On June 28, Amhat Asuev, in an extremely severe condition, was thrown out of a car at the side of the road in the Michurin settlement in Grozny. This street leads to the military base in Khankala.

From the interview with Aslanbek Asuev, brother of the kidnapped:

*“He was all over bruised and obviously beaten up, bandaged with some kind of a rag, and barefoot. Friends of ours picked him up, so that I would not see him in such a condition. He did hardly breathe when they found him. (...) Now he is staying with some relatives of ours. He still can hardly walk, and if, then in small steps. There is not one unhurt spot on his body. They first beat him with construction spades, breaking four spades on him. Then they beat him with rubber hoses and the butts of revolvers. They told him, that they have information about him, that he is allegedly an amir of the Shatoi jamaat, that he used to walk along the village with a “Stetchkin” revolver and with a grenade, that he traded in arms, and in trotyl (an explosive material). They demanded that he confesses everything, and asked him, where he has stored the arms, and how many people are subordinated to him. During all these days they only once gave him a few sips of water. No food at all was given to him. He did not sign anything. They beat him non-stop for 24 hours. Then they did not touch him any more – in such a bad condition was he (...).I would like him to get some medical treatment, and then to send him somewhere else in Russia, or somewhere abroad. I am scared for him, he is young, his wife is young and they are any moment expecting their second child. I have all my life honestly earned my bread. In the last 5 years I have worked as a district policeman. But whom shall I now protect, when I can’t protect my own family? I feel ashamed to put on my uniform now. Everyone is shouting ‘Where is the police?’ But has anyone the slightest respect for the police now?”*

***August 21 - August 23, 2005. The kidnapping of the Doshukaev brothers - Vahid (born 1974) and Aslanbek (born 1984)***

On August 21, 2005, unknown armed men, presumably officers of the law enforcement bodies, kidnapped Vahid Doshukaev, resident of Grozny, Demyan Bedni street 9, Voikovo quarter. The men arrived at Doshukaev’s home in four UAZ cars, forced him into one of them and drove away in an unknown direction. According to unofficial information, Vahid is kept at ORB-2, but when this pre-trial detention center was approached by his relatives, its officials denied that Vahid was there.

On August 23, 2005, at about 3 p.m., Vahid's younger brother, Aslanbek, was kidnapped from the computer game café in the village of Voikovo, Grozny, where he worked.

Witnesses testify that a number of persons entered the café, asked Aslanbek for his name, and when he gave it, they grabbed him by the hands, took him out to the street, made him sit in a light-green VAZ-2109 car with no number plates and drove away.

In her search for Aslanbek, his mother, Malika Doshukaeva, approached all law enforcement agencies. Significantly, during her visit to the office of the Regional Department of the Interior Ministry of the Zavodskoy district in Grozny, the officers asked her about Aslanbek in a manner suggesting they knew where he was kept. Also, the policeman in Doshukaeva's home village approached his neighbors, asking details about his character. Malika Doshukaeva believes that Aslanbek is being kept by the law enforcement agencies of Grozny.

***September 21, 2005. The kidnapping and “disappearance” of Ali Sisariyev (born 1962)***

On September 21, 2005, unknown armed men, presumably officers of the law enforcement bodies, kidnapped Ali Susariyev, a resident of the village of Sernovodsk, Sunja district. In the first Chechen war (1994-1996) Susariyev assisted the fighters, transporting armaments and food for them. This fact, which he did not seek to hide, was perhaps the reason for his kidnapping.

***September 23, 2005. The kidnapping of the brothers Husein and Said Arsameroev – Husein remains “disappeared”***

In the night of September 23, 2005, unknown armed men, presumably officers of law enforcement bodies, kidnapped Husein and Said Arsameroev, two brothers. Said was working as a guard. On the second day of their kidnapping Said was thrown out of a car not far from the Petropavlovskaya village, having been beaten heavily. Husein's fate is unknown. According to unofficial information, received by his relatives, he is being kept at the state intelligence directorate unit (GRU) stationed at the site of the Chechen government compound.)

***October 3-4, 2005. The kidnapping of the father and son Yunusov – Magomed Yunusov and his son Bislan Yunusov (born 1982) – Magomed remains “disappeared”***

On 3 October, unknown armed men, presumably officers of the law enforcement bodies kidnapped Bislan Yunusov from his home in the village of Ilashan-Yurt, Gudermes district. The armed men entered the house without presenting any documents or offering any explanations, took Bislan and drove away.

On the next day, the same people returned and offered his father, Magomed Yunusov, to bring him to his son. Magomed agreed. Shortly after they had left, Bislan came home, and said that he had been sitting in the car during this second visit of those people to their home. He was forced to leave the car as soon as they had taken his father.

Relatives tried to find out by themselves where Magomed was. According to local people, they managed to establish that men from the Chechen power structures, headed by Ramzan Kadyrov, had been involved in the kidnapping of Magomed, and that he was being kept in Gudermes. The members of the Yunusov family are afraid to discuss the subject.

***October 17, 2005. The kidnapping of Rustam Idrisov (born 1982) and Rizvan Kushaev (born 1983) – Kushaev remains “disappeared”***

On October 17, 2005, at about 6.00 p.m. in the village of Sernovodsk, Sunja district, unknown armed men in camouflage uniforms, presumably officers of the law enforcement structures, kidnapped Rustam Idrisov and Rizvan Kushaev from their homes. The two men live close to each other in Sovkhoskaya street.

The armed men arrived in the village in two grey UAZ cars. One of the two groups burst into Idrisov's home, the other in Kushaev's. Without identifying themselves or offering any explanation, the men grabbed the two young men and started dragging them toward the cars. The noise attracted the attention of some neighbors. They came out of their homes and crowded around the cars, trying to prevent the young men from being kidnapped. In response, the armed men shot into the air and broke through the circle of people. Idrisov and Kushaev were forced into the cars, which then drove to the center of the village and, according to witnesses who followed them, drove into the compound of the Regional Department for Internal Affairs of the Sunja district.

When the relatives of the kidnapped approached this office, they were told the unit itself had nothing to do with the kidnappings. These officials refused to provide them with the name of the institution, which was conducting this so-called “special operation” on their territory. However, according to one of the officers - who asked the relatives not to quote his name - the young men were held under suspicion of involvement in the murder of the district policeman, Lom Ali Khildikharoev, which had taken place four days earlier.

On October 19, Rustam Idrisov, returned home. His relatives, fearful of new repressions, refused to comment on his kidnapping, but one of the relatives said that on the day of the kidnapping, the two young men had been taken to the forest, interrogated about Khildikharoev's murder, beaten and tortured. They were also asked who in the village was a vakhabite. Then, they were taken to Gudermes.

Idrisov was eventually released through the influence of his personal contacts. Kushaev's fate is unknown.



## Conclusion

The “Chechenization” – i.e. the handing over of responsibility, including for the conduct of “anti-terrorist” operations, from the federal to the local authorities – of the conflict has not brought peace to the Chechen Republic. It has resulted in the brutalization of the warring sides and pervasive fear and insecurity for the civilians. The conflict has acquired another internal Chechen dimension, more difficult to resolve than the Russian–Chechen conflict. Moreover, the emergence of pro-Kremlin armed groups, which are only partly controlled by the government/federal authorities, creates preconditions for new spirals of violence in the future.

The emergence of security forces numbering thousands added to the remaining high numbers of Chechen fighters result in mass militarization of the male population, a situation where thousands of young men in Chechnya do not know how to win their bread in a way other than with their guns. Many representatives of local security agencies are simply not interested in ending the low intensity warfare – otherwise they risk joining the army of the unemployed.

At the same time, it is obvious that investment in the economy and creating jobs are not possible without general stabilization and at least minimal security guarantees for the invested capital. A vicious circle emerges, with one possible way out – the reduction of confrontation, transformation of the conflict from armed to political, and implementation of programs for reintegrating former rebel fighters into the peaceful labor and life.

It is necessary to start an authentic political process in Chechnya. Until now instead of this process there has been a charade. In fact there were no referendum or elections. There were large-scale falsifications instead. The net result of the current political process is the establishment of a criminal local elite in Chechnya, who, for lack of public legitimacy, depend on violence and fear to stay in power.

Conflict resolution in Chechnya stipulates the creation of authorities at all levels, who would be accepted by the majority of people. Such authorities can only emerge as a result of free and fair elections, which would invite participation by a wide spectrum of the political forces in Chechnya. However, such authorities can only emerge when Chechnya itself emerges from the climate of fear that today extinguishes meaningful public debate in the republic and reduces the political space to practically nothing.

This implies the emergence of authentic dialogue among all the political forces, including supporters of Chechen independence. As a result of this peace process, “the rules of the game” could be developed, which would determine the future of this republic. It is necessary to allow the separatists who condemn terrorism as a method for achieving political ends, to form a political wing that could participate in the elections and continue its struggle by political methods. The political process in Chechnya cannot be sustainable without the inclusion of these forces. Separatism as such, when it is not linked to violence and propagation of national and religious hatred, should not be considered a crime.

Besides, obviously a political process cannot be implemented in the conditions of continuous state terror. Endless violence in Chechnya does not leave any chances for the upcoming elections to be free and fair. Having analyzed the situation in the Chechen Republic today, we regretfully state that the republican parliamentary elections appointed for November 27 2005,

and advertised by the federal center as the crucial element of the political settlement, are unlikely to become a step towards peace in the North Caucasus.

Our critics can claim that elections have been held in other ‘hot spots’ on the planet, such as Bosnia, Afghanistan and Iraq. Without entering into a discussion on the legitimacy of carrying out elections in those countries there are fundamental we will have to draw their attention to remarkable differences between the situation in these conflict areas and in Chechnya. In Chechnya, the state terror and violence committed by the very forces that organize the elections create a climate of fear and distrust more damaging than the actions of those who aim to disrupt the elections from the outside.

Freedom of speech in today’s Chechen Republic is virtually non-existent. People try to join the pro-government “United Russia” party to ensure protection for themselves from terror committed on behalf of the state. The idea of independence is supported by a significant part of the population. However, their views will not be represented in the upcoming elections. In the conditions of contemporary Chechnya legal propaganda of such views is out of the question.

Among the political parties running in the parliamentary elections, some do not want to and others are afraid of raising essential issues, which are perceived as crucial by the citizens of Chechnya, such as continuing armed confrontations, abductions and extra-judicial executions in the course of the “special operations,” illegal violence on behalf of armed groups within security services, lack of state control over these groups, the reign of impunity, and adherence to law and order. The most important issues of peace-making in the Chechen Republic are not raised by any of the parties standing for election to the parliament.

All of the above arguments lead to the conclusion that in Chechnya there are no conditions for free and fair elections. Nor will these elections serve to bring such conditions closer. The consistent imitation of electoral processes, along with the policy of “Chechenization” of the conflict, has not and will not stabilize the situation. On the contrary, by establishing a criminal local elite without legitimacy in Chechnya, the political process has served to consolidate the protracted conflict and feed the continuous cycle of violence.